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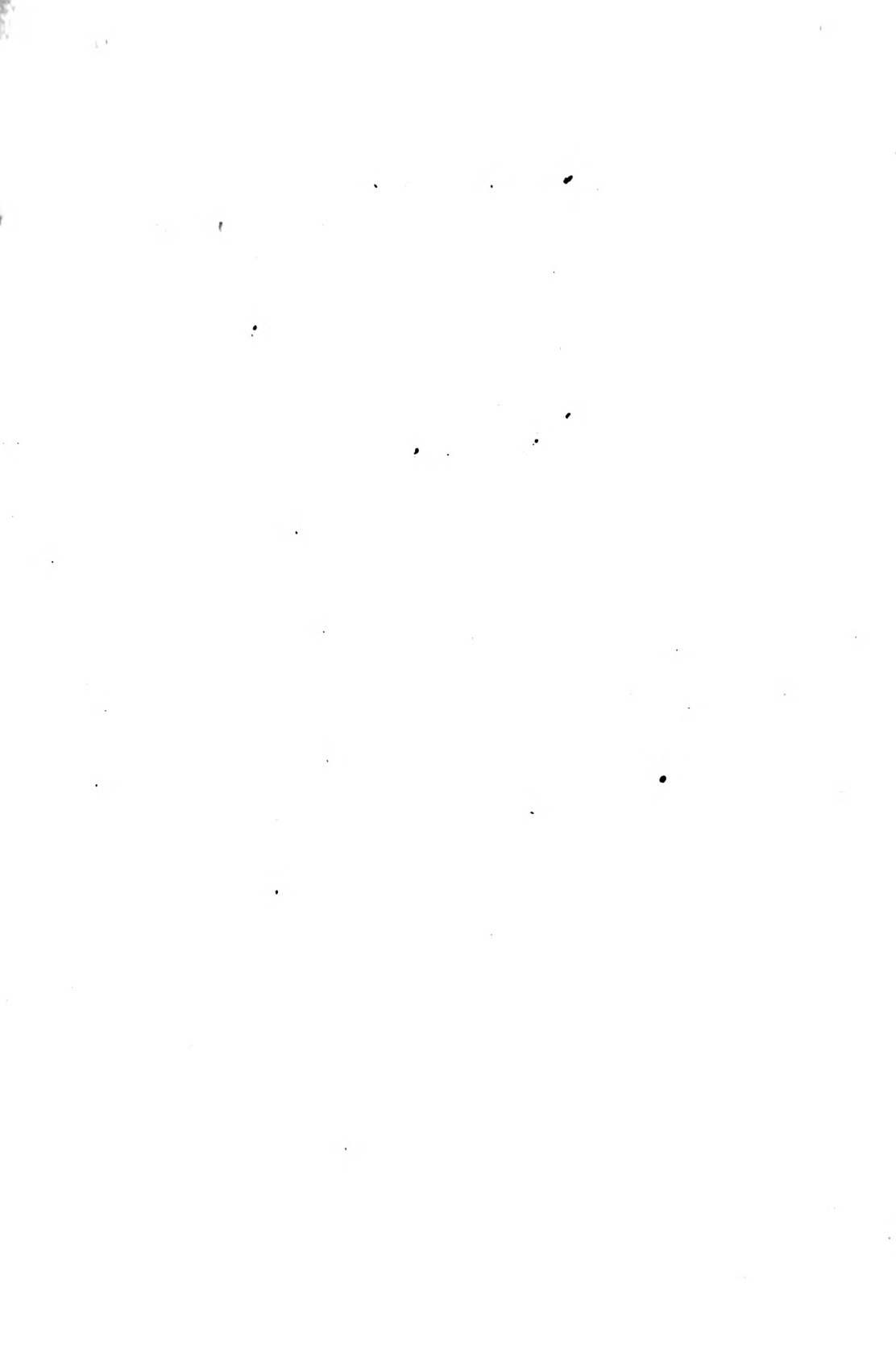
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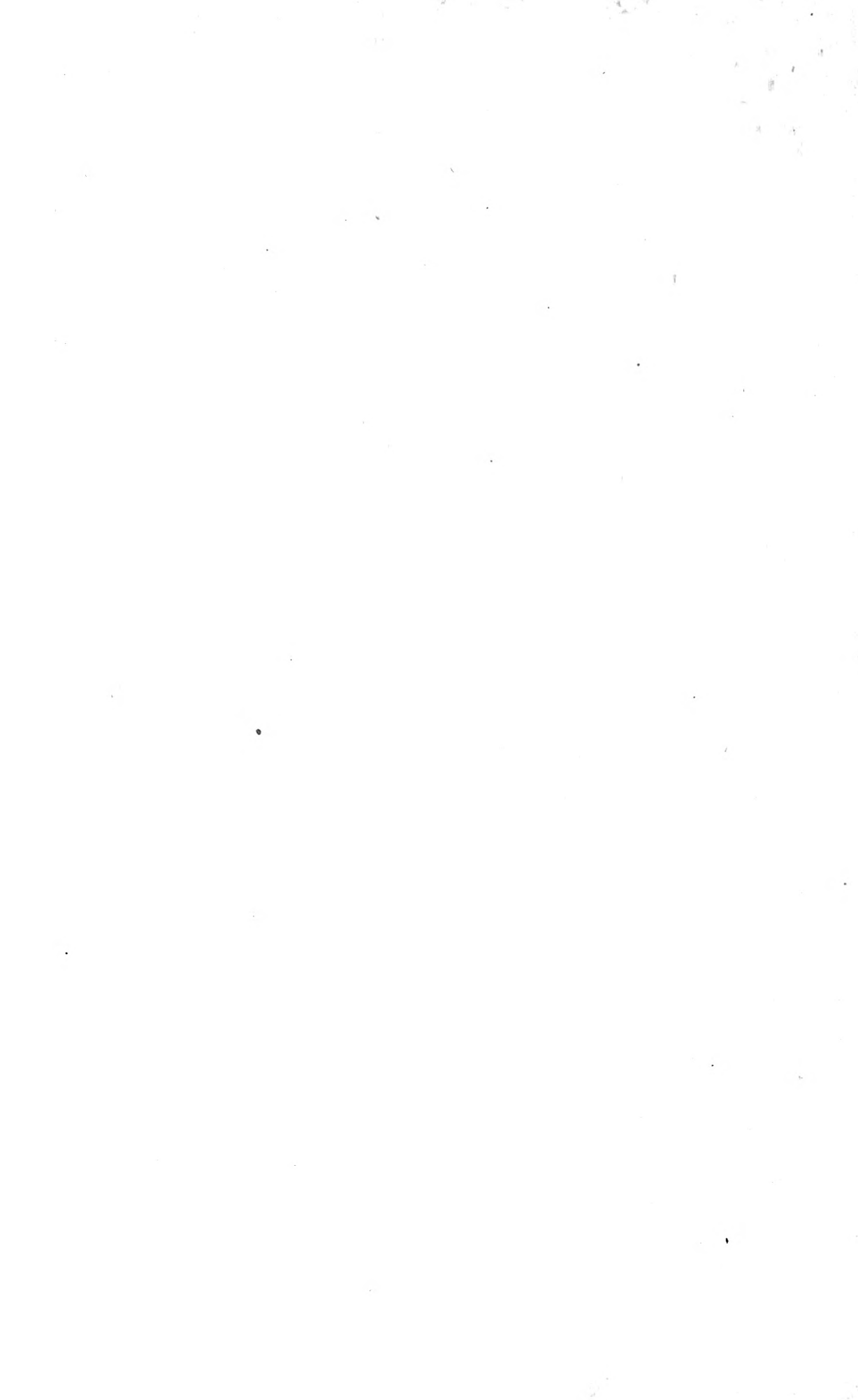
Academy County

J. A. Briggs Esq

April 19. 1843

My dear Mr. Garrison,
I have just received
your letter of the 10th inst.
and am glad to hear
that you are interested
in the cause of the
colored people.





CHARTERS
OF THE
VILLAGE OF CLEVELAND,
AND THE
CITY OF CLEVELAND,
WITH THEIR
SEVERAL AMENDMENTS:
TO WHICH ARE ADDED THE
LAWS AND ORDINANCES
OF THE
CITY OF CLEVELAND.

PUBLISHED BY ORDER OF THE COMMON COUNCIL.

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RULES AND ORDERS

OF THE

COMMON COUNCIL OF THE CITY OF CLEVELAND.

1. The presiding officer shall take the chair at every meeting, at the hour to which the Council shall have adjourned, and shall immediately call the members to order, and on appearance of a quorum, shall cause the journal of the preceding meeting to be read.

2. He shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Council by any two members.

3. He shall examine and correct the journal before the same is read.

4. He shall appoint all Committees, unless otherwise directed by the Council, in which case the same shall be chosen by ballot.

5. He may, three members concurring, send for absent members ; and a written order therefor, directed to the Marshal, or in his absence, to any person who will serve the same, shall authorise the arrest and the bringing of such absent member to the council chamber.

6. After the journal is read, the presentation of petitions shall be first in order ; the reports of standing committees second in order ; the reports of select committees third in order ; after which resolutions may be offered and considered, appointments of officers made, business on the table taken up, as the council shall direct.

7. Every member present when a question is put, shall vote, unless excused by the council.

8. Every motion shall be reduced to writing, if the presiding officer, or any member of the council, require it.

9. When a member is about to speak, he shall rise and address the presiding officer, and no member shall pass before the speaker or interrupt him, except to call to order.

10. Any member may call for a division of the question, or the presiding officer may direct the same, and the same, in either case, shall be divided, if it comprehends questions so distinct that one being taken away the other will stand an entire question for decision.

11. The first reading of any bill proposed to be enacted into a law or ordinance of the city, shall be for information, and the same may be subject to amendment, commitment to a standing committee, postponed, laid on the table, or ordered to be engrossed for its final passage, as the council shall direct ; and when the same is ordered to be engrossed the council shall direct the time when the question on its passage shall be taken.

12. The largest sum and longest time shall be first put, in cases where different sums, or different times, are named by any member.

13. A motion to reconsider a vote on any question, shall not be in order after one meeting of the council has intervened between the decision and the time of making the motion to reconsider.

14. A motion to adjourn shall always be in order, except when a member is speaking.

15. Any member of the council may call for the yeas and nays on any question.

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THE VILLAGE OF CLEVELAND,

AND THE

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A N A C T

TO INCORPORATE

THE VILLAGE OF CLEVELAND, IN THE COUNTY OF CUYAHOGA.

PASSED DECEMBER 23, 1814.

§1. *Be it enacted by the General Assembly of the* Boundaries of the corporation.
State of Ohio, That so much of the city plat of Cleveland, in the township of Cleveland, and county of Cuyahoga, as lies northwardly of Huron street, so called, and westwardly of Erie street, so called, in said city plat, as originally laid out by the Connecticut Land Company, according to the minutes of the survey and map thereof, now on record in the office of the recorder in said county of Cuyahoga, shall be and the same is hereby erected into a village corporate, henceforth to be known and distinguished by the name of "The Village of Cleveland," subject however to such alterations as the legislature may from time to time think proper to make.

§2. *Be it further enacted,* That for the better regulation and government of said village, it shall be lawful for the electors who shall have been resident in said village for one year, next preceding the time or times of holding elections hereinafter mentioned, to meet on the first Monday in June next, and on the first Monday in June annually, thereafter, and elect by ballot a president, recorder, three trustees, a treasurer, village marshal, and two assessors, each Annual elections, when holden.
of whom, at the time of his election, shall be a freeholder Number & qualifications of officers.

or householder in said village, and have been a resident therein one year next preceding said election ; and each of said officers shall, within five days after being notified of his election, take an oath or affirmation before some person authorised to administer the same, faithfully to discharge the duties of his office, and shall hold such office for one year, and until his successors shall be elected and qualified.

Where and at
what hours elec-
tions to be hol-
den.

§3. *Be it further enacted*, That the first election under the provisions of this act, shall be held at the court-house, in said village, and all subsequent elections at such place as the president shall direct, and all such elections shall be opened between the hours of 12 and 1 o'clock P. M. and closed at 4 P. M. At the first election two judges and a clerk shall be appointed viva voce by the electors present, who shall severally take an oath or affirmation faithfully to discharge the duties of their respective offices ; and at all subsequent elections the president and trustees, or any two of them who shall be present, shall be judges, and the recorder clerk of the election : at the close of the poll the ballots shall be counted by the judges of the election, and a statement of the votes publicly declared ; a fair record thereof shall be made by the clerk, who shall notify each of the persons so elected of his election, within five days thereafter ; and it shall be the duty of the president, at least five days before the time of holding the election in each year, after the first election, to set up notice of the time and place of holding such election, in three of the most public places in said village.

Manner of con-
ducting elections

Style of the cor-
poration.

§4. *Be it further enacted*, That the president, recorder and trustees, and their successors in office, so as aforesaid elected and qualified, shall be a body politic and corporate, to be known and distinguished by the name of "The Trustees of the Village of Cleveland ;" and by the name aforesaid shall have perpetual succession, with the capacity to purchase, receive, hold and convey any estate, real or personal, for the use of said village : *Provided*, That the clear annual income of said estate shall not exceed five

thousand dollars ; and shall be also capable of suing and being sued, pleading and being impleaded, in any action in any court within this state ; and when any action or suit shall be commenced against said corporation, the service shall be by a proper officer leaving an attested copy of the original process with the recorder, or at his usual place of abode, at least ten days previous to the return thereof ; and the said trustees are hereby authorised to have a common seal for the use of said corporation, and the same to alter at their discretion.

§5. *Be it further enacted*, That the trustees, or a majority of them, whereof the president or recorder shall always be one, shall have full power and authority to make and publish such laws and ordinances in writing, and the same from time to time to alter or repeal, as to them shall seem necessary and proper for the interest, safety, improvement and convenience of said village : *Provided always*, That all such laws and ordinances shall be consistent with the constitution and laws of the United States and of this State : *And provided also*, That no such law or ordinance shall subject horses, cattle, sheep or hogs, not belonging to said village, to be abused, taken up or sold for coming into the bounds of said corporation ; and the president, or in case of his absence or disability, the recorder, shall have full power to administer all necessary oaths or affirmations, to hear complaints, and take cognizance of all offences committed against the laws and ordinances of said corporation, and to impose such reasonable fines on all persons so offending, as may be affixed by said laws and ordinances to the breach thereof ; to levy and cause to be collected all such fines by warrant under his hand and seal of the corporation, directed to the marshal, who shall collect the same under the regulations prescribed to constables in other cases, and shall pay over all monies so by him collected to the treasurer, for which he shall take the treasurer's receipt.

§6. *Be it further enacted*, That the trustees shall have power to regulate markets, to open and cause to be

May sue and be sued.

A majority of the trustees to form a quorum to make laws.

Trustees to regulate markets, streets, &c.

kept open, the streets, lanes and alleys of said village, and to repair and improve the same, to remove nuisances, to prevent any animals belonging to the inhabitants of said village from running at large in the streets, if in their opinion the interest and convenience of said village shall require such prohibition; to erect and keep in repair such public buildings or other works of public utility as may be deemed necessary or useful; and the trustees shall also have power to fill all vacancies which may happen between the annual elections in any of the offices herein established, which appointments shall continue until the next annual election, and until the officers elected shall be duly qualified; and said trustees are hereby authorised to appoint such subordinate officer or officers as they may think necessary; to affix to the offices of recorder, marshal, and assessor, such fees and impose such fines for refusing to accept any office of the corporation, or for neglect or misconduct therein, as to them may seem proper: *Provided*, No fine for refusing to accept any office as aforesaid, shall in any case exceed ten dollars.

And to fill vacancies, appoint officers, &c.

§7. *Be it further enacted*, That upon the petition of twelve freeholders or householders, resident in said village, and having the qualifications of electors therein, praying for the establishment of any new street or streets, in said village, describing the same, the trustees shall have power to lay out, establish and open such new street or streets so prayed for, and cause a full and complete record thereof to be made and kept by said recorder: *Provided*, That notice of bringing said petition shall have been given for three weeks successively in some newspaper printed nearest said village, at least thirty days before bringing said petition:

New streets may be opened on petition.

Proviso as to notice.

Further proviso. *And provided also*, That no street or streets shall be laid out or established across any ground occupied by any building or buildings, so as to cut off or include any such building or buildings, or any part thereof, which shall have been erected or begun to be erected on said ground previous to notice of such petition being given as aforesaid.

See amendment passed 1833.

§8. *Be it further enacted*, That if any person or persons shall think himself, herself, or themselves, injured or ag-^{Persons injured by new street how to proceed.}grieved by the laying out or establishing of such street or streets across his, her or their land, such person or persons may, within thirty days thereafter, make out, in writing, and deposit with the recorder, his, her, or their claim for damages sustained by the laying out or establishing of said street or streets, stating the amount thereof, and the numbers of the lots on which such damage is alleged to have been sustained, and if the trustees shall fail within ten days thereafter, to pay or satisfy said claims, such person or persons claiming such damage may make application, in writing, to the sheriff of the county, whose duty it shall be, within three days after receiving such application, to cause the damage, so as aforesaid claimed, to be appraised by three judicious, disinterested freeholders of the vicinity, not residing in said corporation, who, in appraising the damages, shall take into consideration the advantages resulting from laying out such street or streets, to the lot or lots on which such damage is alleged to have been sustained, which said appraisal of damages shall be made out, in writing, signed by the said appraisers, and a copy thereof lodged with the recorder, or at his usual place of abode, within three days after making such appraisal; and if said trustees shall refuse or neglect to pay the damages so assessed, to the person or persons so as aforesaid claiming and entitled to the same, within ten days after said appraisal is lodged with the recorder as aforesaid, said damages being demanded, or if the person or persons claiming such damage shall think himself, herself, or themselves aggrieved by said appraisal, he, she, or they may institute his, her or their suit for the damages so as aforesaid claimed in the court of common pleas in and for the county in which such village is situated, or before any court in the state of Ohio having jurisdiction thereof, against said trustees, and upon the trial thereof the court or jury shall be governed by the same rule in assessing the damage alleged

to have been sustained, that is above prescribed for the government of the appraisers ; and if the trustees shall fail to pay the judgment rendered in such suit, with the costs taxed by said court, within thirty days thereafter, the street or streets, by the laying out of which the damages so adjudged shall have been sustained, shall be vacated, and said trustees shall, nevertheless, be liable to pay the costs of such suit, so as aforesaid taxed against them, provided that if such person or persons commencing such suit shall recover a less sum than shall have been tendered to him, her or them, by said trustees, previous to commencing such suit, such person or persons shall not recover costs, but costs shall be taxed against him, her, or them, and either party shall be allowed an appeal as in other cases.

Taxes, when and on what objects to be levied.

§9. *Be it further enacted*, That the trustees (when in their opinion it may be expedient) shall have power, in the month of July, annually, to lay a tax within said village, for the use of said corporation, on all city or village lots within said corporation, and all other property subject to taxation for county purposes, provided no tax on improved real property shall exceed one per centum on the value, and the tax shall be levied on lots or other property in proportion to the value of such property, which value it shall be the duty of the assessors, so as aforesaid elected and sworn, to estimate, and deposit with the recorder a statement thereof, in writing, on or before the fifteenth day of July in each year, if thereunto by the trustees required and notified fifteen days before the time herein specified for depositing such statement.

Taxes, by whom and in what manner collected.

§10. *Be it further enacted*, That the marshal shall be the collector of the tax assessed as aforesaid, and is hereby authorised and required to collect and pay over to the treasurer all such sums of money as shall be assessed as aforesaid, for the use of said corporation, within three months from the time of receiving a duplicate thereof, and the treasurer's receipt shall be his voucher upon his settlement with the trustees, which settlement shall be when thereunto

by said trustees required after the expiration of the three months aforesaid; and the marshal shall have power to make distress and sale of the personal property of any person charged with any tax as aforesaid, to satisfy said tax, if the same shall remain unpaid, giving ten days personal notice before making such distress, and also give ten days notice previous to making sale of any personal property by advertisement in three of the most public places in said village; and if the tax on any lot or lots, on which no personal property can be found, shall remain unpaid two months after the expiration of the three months allowed for the collection of taxes, above specified, the marshal shall give notice in some newspaper published in or nearest to said village, of the amount of said tax and the number of the lot or lots on which it is charged, and if said tax shall remain unpaid two months from the date of such advertisement, the marshal may proceed to sell, at public vendue, so much of said lot or lots as will discharge the same, taking the part sold in such manner as will include the same distance on the back as on the front line of the lot, and the marshal is hereby authorised to execute a deed or deeds, of such lots or parts of lots, as may be so sold, which shall convey to the purchasers all such title as the person in whose name such lot or lots were taxed had to the same, subject to such right of redemption in the case of persons insane, or of feme coverts or minors, as is allowed in cases of lands sold for taxes under the laws of this state.

Personal property may be sold for taxes.

Lots may be sold when no personal property can be found.

§11. *Be it further enacted*, That it shall be the duty of the recorder to make and keep a true and accurate record of all laws and ordinances made and established, of streets laid out by the trustees, and of all their proceedings in their corporate capacity, which records shall at all times be open to the inspection of every elector in said village; and in case of the absence or disability of the president, the recorder is hereby authorised and required to do and perform all the duties required of said president; the same person may perform the duties of a trustee and assessor, if elected to both offices.

Duty of recorder.

Appeals allowed
to court of com-
mon pleas.

§12. *Be it further enacted*, That if any person or persons shall think himself, herself, or themselves, aggrieved by any act or judgment of the trustees, it shall be lawful for such person or persons, within ten days to appeal to the court of common pleas for the proper county, who shall hear such causes or complaints, and grant such relief as to them may appear necessary and proper: *Provided*, Such appellant give security, to be approved of by the clerk of the court to prosecute such appeal to effect and abide the judgment of the court thereon.

Corporation to
have the use of
the county jail.

§13. *Be it further enacted*, That the corporation shall be allowed the use of the county jail for the confinement of such persons as by any law of the corporation may be subject to imprisonment, but no person shall be imprisoned under the authority of the corporation except for the non-payment of fines and penalties assessed or imposed on them: *Provided*, No person shall be imprisoned more than twelve hours, for one offence, and all persons so imprisoned shall be under the charge of the sheriff of the county.

Proviso.

Duty of the Treas-
urer.

§14. *Be it further enacted*, That the treasurer shall pay over all monies by him received, to the order of the trustees, and shall, when required, submit his accounts and vouchers to their inspection, and the marshal and treasurer shall, before they enter upon the duties of their respective offices, give bond with security, to the trustees, to be approved of by them, and lodged with the recorder, conditioned for the faithful discharge of the duties of their respective offices.

This act to take effect, and be in force, from and after the first Monday in June next.

SYNOPSIS OF THE AMENDMENTS

TO THE CHARTER OF

THE VILLAGE OF CLEVELAND.

An Act to vacate part of the city plat of Cleveland, in the county of Cuyahoga.

§1. *Be it enacted by the General Assembly of the State of Ohio*, That all that part of the city plat and out lots of the city of Cleveland, so called, as originally laid out by the Connecticut Land Company, which is not included within the limits of the corporation of the village of Cleveland, as specified in the "Act to incorporate the village of Cleveland, in the county of Cuyahoga," passed the twenty-third day of December, eighteen hundred and fourteen, be and the same is hereby declared to be vacated ; and shall not be subject hereafter to taxation, as town and out lots, for county purposes : *Provided*, Nothing in this act shall be so construed as to confirm or invalidate any existing legal rights of the said Connecticut Land Company, in and to the said plat or out lots ; or to confirm or invalidate any legal right heretofore acquired to any of the said out lots by any person or persons whatever ; but all such rights shall exist, be adjudicated and decided upon, as if this act had never been passed.—Passed January 31, 1815.

An Act to prevent certain Nuisances, &c.

This was an Act restraining persons from slaughtering swine within the limits of the village corporation, unless licensed by the trustees.—Passed January 29, 1827.

Killing swine
prohibited.

An Act to incorporate the Cleveland Pier Company.

Pier company incorporated 1815.

This Company, consisting of Daniel Kelley, Levi Johnson, and others, was created "a body corporate and politic, with perpetual succession, to construct a Pier or Harbor, Wharves and Ware-Houses, on the south border of Lake Erie, at the village of Cleveland."—Passed December 23, 1815.

An Act to amend the Act entitled "An Act to incorporate the village of Cleveland, in Cuyahoga county."

Alteration of boundaries.

The material part of this Act amended the boundaries of the village, and declared it to be bounded on the east by Erie street, on the south by Huron street, on the west down the river from Huron street to a point twelve rods below the junction of Vineyard Lane with the county road leading from Cleveland to Brooklyn, to the Cuyahoga river; thence down the river to its mouth; and on the north by Lake Erie.—Passed Dec. 31, 1829.

An Act further to amend an Act to incorporate the village of Cleveland.

Tax undivided lands.

This was an Act authorising the village trustees to tax any lands subject to taxation under the laws of the state, not subdivided and numbered into lots upon the recorded plat of said village: *Provided*, Said trustees caused a draft or plat of such property to be recorded in the office of the village recorder, before any tax was assessed on such lands not previously known, distinguished, subdivided and numbered as aforesaid. Said trustees were also invested with powers to make a new description or plat whenever they deemed it necessary, &c.—Passed March 9, 1831.

An Act still further to amend an Act to incorporate the village of Cleveland.

Groceries.

This law is confined to licensing groceries; and the power is delegated to the trustees to license groceries on petition of twelve householders. The whole law is embodied in six sections.—Passed Feb. 25, 1833.

An Act for the protection of the village of Cleveland from the encroachments of the Lake.

§1. Trustees are invested with power to levy a tax upon Lake shore to be protected. all the lands within the limits of the corporation, to protect that part of the village which is contiguous to Lake Erie.

§2. The court of common pleas were, upon application Court to appoint assessors. of the trustees, to appoint three freeholders, non-residents of the city, to assess a discriminating tax.

§3. The trustees were then to levy and collect the taxes, Tax not to exceed \$4,000 per year. as other taxes were collected: *Provided*, however, said tax so levied did not exceed \$4,000 for any one year.

§4. The legislature reserved the power to alter, amend, To borrow money. or repeal this act at any time; and further provided, that the be trustees empowered to borrow any sum, on the credit of the village, not exceeding the tax of the current year.—Passed Feb. 18, 1834.

An Act to amend an Act entitled "An Act incorporating the village of Cleveland.

§1. The boundaries of the village are again changed, and Boundaries altered. all former Acts so amended as to bound the village on the east by the east line of the two acre lots; on the south by the south line of the two acre lots; on the west by the middle of the Cuyahoga river to its mouth, and on the north by Lake Erie; with a proviso attached, that "Case's point" be exempt from the operation of the act until the first day of January, 1835.

§2. The taxes levied for road purposes are required to Road Tax paid to Co. Treasurer. be paid in money to the county treasurer, and by the county treasurer to the village treasurer: and all poll taxes are to be expended upon the roads under the direction of the trustees.

§3. The trustees are invested with power to grade and Grading Tax. level or pave any street, side or cross walks within the village, the expense of which was to be borne by the whole city, *pro rata*, according to the benefits thereto. The trustees appoint five freeholders to assess the benefits and costs of such projected improvements, and in case the estimate exceeded or fell short of the expense of the improvement

contemplated, then the trustees had power to add or deduct proportionably to the individual assessment. The assessment roll was then filed in the recorder's office, and four weeks notice given of the same in the public papers of the village.

Paving sidewalks §4. Owners of land were, on the order of the trustees, required to pave their side walks ; and on neglecting so to do, the trustees were invested with power to cause the paving to be done, and collect the expense thereof by action of debt, or by assessment in the manner authorised in the last section.

Appeal. §5. Appeal was had from these two last sections to the court of common pleas : *Provided*, There was any inconformity in the proceedings required by the act, and not otherwise.

§6. Provides the manner of holding future elections.—
Passed Feb. 18, 1834.

An Act to amend an Act entitled "An Act to amend an Act to incorporate the village of Cleveland," passed Feb. 18, 1834.

Grading Tax. §1. Amends the third section of the Act of Feb. 18, 1834, so far as to appoint a Board of Equalization, whose duty it was, with the president and recorder of the village, upon the application of any person injured or aggrieved by the acts of the trustees in levying the grading tax of 1834, to examine the assessment roll of that year, and amend the same, if deemed expedient, by adding to or deducting from the same such sum or sums assessed against any owner of land such an amount as to them should appear just and equitable. The Board were also invested with power to award damages sustained by individuals in the grade of the previous year, and this award was declared by this act to be final and conclusive upon the right of the said complainant.

Committee. §2. H. Rice, W. White and H. L. Noble constituted the Board of Equalization, or Appraisers, contemplated by this Act.

§3. Fees of appraisers.

§4. In case the Board of Appraisers died or refused to act, the trustees filled the vacancies.

§5. Pittsburgh street, so called, between Huron streets Pittsburgh street vacated. and the south line of lot 216, is vacated

§6. Appropriation of the road tax.

§7. All streets or roads laid out on the line dividing the Township and City line. township of Cleveland, and the village, are required to be laid one half on the limits of the township, and the other half on the corporation limits.—Passed March 7, 1835.

An Act to amend an Act, entitled "An Act to amend an Act to incorporate the village of Cleveland," passed March 7, 1835.

§1. The Committee created by the Act of 1835, were Grading Tax. authorised to assess upon the property of the village a sufficient sum to cover all expenses incurred by the grade of 1834, to be made upon the same principle of the original assessment, according to the benefit accrued to the property assessed.

§2. The committee are to file the assessment roll in the Duties of appraisers. office of the recorder, and give public notice thereof in a public newspaper.

§3. Tax to be collected by the marshal.

§4. All persons claimed to be injured by these improvements, who shall omit to present their claims to the committee, shall be deemed to have waived the same.—Passed When claimant is barred. Dec. 17, 1835.

A N A C T

TO INCORPORATE

THE CITY OF CLEVELAND,

IN THE COUNTY OF CUYAHOGA.

PASSED MARCH, 1836.

Boundaries.

§1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the county of Cuyahoga as is contained within the following bounds, viz: Beginning at low water mark, on the shore of Lake Erie, at the most north-eastwardly corner of Cleveland ten acre lot No. 139, and running thence on the dividing line between lots Nos. 139 and 140, Nos. 107 and 108, Nos. 80 and 81, Nos. 55 and 56, Nos. 31 and 32, and Nos. 6 and 7, of the ten acre lots, to the south line of ten acre lots; thence on the south line of the ten acre lots, to the Cuyahoga river; thence to the centre of the Cuyahoga river; thence down the same to the termination of the west pier; thence to the township line between Brooklyn and Cleveland; thence northwardly to the county line; thence eastwardly with said line to a point due north of the place of beginning; thence south to the place of beginning; shall be, and is hereby declared to be a City; and the inhabitants thereof are created a body corporate and politic, by the name and style of "The City of Cleveland;" and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered

Corporate name,
rights and powers.

unto, in all courts and places, and in all matters whatsoever; with power of purchasing, receiving, holding, occupying and conveying real and personal estate; and may use a corporate seal, and change the same at pleasure: and shall be competent to have and exercise all the rights and privileges and be subject to all the duties and obligations appertaining to a municipal corporation.

§2. That the government of said city, and the exercise of its corporate powers, and management of its fiscal, prudential and municipal concerns, shall be vested in a Mayor and Council, which Council shall consist of three members from each ward, actually residing therein, and as many Aldermen as there may be wards, to be chosen from the city at large, no two of which shall reside in any one ward, and shall be denominated the City Council; and also such other officers as are hereinafter mentioned and provided for. Ward officers,
how elected.

§3. That the said City, until the City Council see fit to increase, alter or change the same, be divided into three wards, in the manner following, to wit: The first ward shall comprise all the territory lying easterly of the centre of the Cuyahoga river, and southerly of the centre of Superior lane and Superior street to Ontario street, and of a line thence to the centre of Euclid street, and of said last mentioned centre. First Ward. The second ward shall comprise all the territory, not included in the first ward, lying easterly of the centre of Seneca street. Second Ward. The third ward shall include all the territory westerly of the centre of Seneca street, easterly of the westerly boundary of the city, and northerly of the centre of Superior street and Superior lane. Third Ward.

§4. That the mayor, aldermen, councilmen, marshal and treasurer of said city, shall be elected by the qualified voters thereof, at the annual election of said city, to be held on the first Monday in March, and shall hold their respective offices for one year, and until their successors are chosen and qualified: it shall be the duty of the mayor to keep the seal of said city, sign all commissions, licenses and per- Annual election,
when held.

Mayor, his powers.

Mayor's powers. mits, which may be granted by the city council; to take care that the laws of the state and the ordinances of the city council be faithfully executed; to exercise a constant supervision and control over the conduct of all subordinate officers, and to receive and to examine into all complaints against them for neglect of duty; to preside at the meetings of the city council, when other duties shall permit; to recommend to said council such measures as he may deem expedient; to expedite all such as shall be resolved upon by them; and in general to maintain the peace and good order, and advance the prosperity of the city: as a judicial officer, he shall have exclusive original jurisdiction of all cases, for the violation of any ordinance of said city; and in criminal cases he is hereby vested with powers co-equal with justices of the peace within the county of Cuyahoga, and shall be entitled to like fees; and he shall award all such process, and issue all such writs, as may be necessary to enforce the due administration or right and justice throughout said city, and for the lawful exercise of his jurisdiction, agreeably to the usages and principles of law; and when presiding at the meetings of the city council, he shall have a casting vote when the votes of the members are equal.

In criminal cases
co-equal with
Justices.

Fees.

Casting vote.

First meeting annual Council.

Election of President.

§5. The members of the city council shall, on the second Monday after each annual election, assemble at their council chamber, or some other suitable place in said city, and elect from their own body, a president, to preside in their meetings in the absence of the mayor; and a majority of all the members shall be a quorum for the transaction of business: the city council shall determine the rules of their proceedings, and keep a journal thereof, which shall be open to the inspection of every citizen; may compel the attendance of absent members, under such penalties and in such manner as they may think fit to prescribe; and shall prescribe the place and fix the time of holding their meetings, which shall at all times be open to the public; and said council may adopt any bye-laws for their own go-

Bye-Laws.

vernment, not inconsistent with the provisions of this act ; and in case of the absence or inability of both the mayor and president of the city council, the senior aldermen present, shall, for the time being, discharge the duties of either the mayor or president of the city council, as the case may require.

When senior Aldermen acts.

§6. That the city council shall have the custody and control of all the real and personal estate, and other corporate property belonging to said city, its public buildings, rights and interests : and may make such orders, regulations and provisions, for the maintenance and preservation thereof, as they shall deem expedient : it shall be their duty to regulate the policy of the city, preserve the peace, prevent riots, disturbances and disorderly assemblages : they shall have authority to appoint watchmen, and prescribe fines and penalties for their delinquencies ; to restrain vagrants or other persons soliciting alms or subscriptions ; to suppress and restrain disorderly and gaming houses, billiard tables, and other devices and instruments of gaming ; to prevent the vending of liquors, to be drank on any canal boat, or other place not duly licensed ; to prevent and punish immoderate driving in any street or other highway of said city ; to abate or remove nuisances ; to prevent bathing in any public water within the city ; to prevent the encumbering any of the streets or highways of the city, in any manner whatever ; to provide for clearing the Cuyahoga river of drift wood and other obstructions, and to prevent encroachments of any kind thereon, within said city ; to regulate the keeping and carrying of gunpowder and other combustible materials ; to establish, alter and regulate markets ; to regulate the vending of meats, vegetables and fruits, pickled and other fish, and the time and place of selling the same ; weighing and selling hay, measuring coal, cord wood and other fuel, and timber and shingles ; weighing and measuring salt, lime, fish, iron and any other commodity, exposed or intended to be exposed for sale in said city ; to provide for and regulate the guaging of all casks and other

City Council to control property and revenues.

Powers of Council.

Prevent gaming, &c.

To prevent vending liquor on canal boats.

Clearing river of obstructions.

Gunpowder.

Market regulations.

Fish.

Carmen.	vessels containing liquids, sold or intended to be sold in said city ; to regulate cartmen and cartage, porters, hack- ing carriages and their drivers, and limit their fees and com- pensation ; and to regulate pawn-brokers ; to light the streets of the city ; to regulate or restrain the running at
pawnbrokers.	large of horses, cattle, dogs and swine ; and to establish and regulate one or more pounds ; and to impose a tax on the owners of dogs ; to establish and preserve public wells and cisterns, and to prevent the waste of water ; to regu- late the burial of the dead, and to compel the keeping and return of bills of mortality ; to regulate all taverns and por- ter houses, and places where spirituous liquors are bought and sold by less quantity than one quart ; all houses or pla- ces of public entertainment ; all exhibitions and public shows ; with exclusive power to grant or refuse licenses thereto, or to revoke the same, and to exact such sum or sums therefor, as they may deem expedient ; to establish and settle the boundaries of all streets or highways of all kinds, within the city, and prevent or remove encroach- ments thereon ; to prescribe the bonds and securities to be given by the officers of the city, for the discharge of their duties, when no provision is otherwise made by law ; and further to have power and authority, and it is hereby made their duty, to make and publish, from time to time, all such laws and ordinances as to them may seem necessary to suppress vice, provide for the safety, preserve the health, promote the prosperity, improve the order, comfort and convenience of said city, and its inhabitants, and to benefit the trade and commerce thereof, as are not repugnant to the general laws of the state : and likewise they shall have power to regulate wharves and the mooring of vessels in the harbor : to appoint a harbor master, with the usual powers, and to prevent fishing lights ; and for the violation of any ordinance by them made by the authority of this act, the said city council may prescribe any penalty not ex- ceeding one hundred dollars, and provide for the prosecu- tion, recovery and collection thereof, or for
Dogs and hogs.	
spirituous liquo- (see amend- ment 1840,) licen- and public ws.	
Council to estab- lish and settle boundaries.	
Publication of Ordinances.	
To regulate com- merce.	
Wharves, Docks, &c.	
Council may pre- scribe penalty or fine not to exceed \$100, and enforce collection by im- prisonment.	

ment of the offender, in case of the non-payment of such penalty.

§7. That for the purpose of guarding against the calamities of fire, the city council may, from time to time, by ordinance, designate such portions and parts of the city as they shall deem proper, within which no buildings of wood shall be erected; and may regulate and direct the erections of buildings, within such portions and parts, the size and materials, and the size of the chimnies therein; and every person who shall violate such ordinance or regulation, shall forfeit to said city the sum of one hundred dollars: and every building erected contrary to such ordinance, is hereby declared to be a public nuisance, and may be abated and removed as such by the city council; and the city council may, by ordinance, require the owners and occupants of houses, or other buildings, to have scuttles on the roofs of such houses and buildings, and stairs or ladders leading to the same; and whenever any penalty shall have been recovered against the owner or occupant of any house or other building, for not complying with such ordinance, the city council may, at the expiration of twenty days after such recovery, cause such scuttles, and stairs and ladders to be constructed, and may recover the expense thereof, with ten per cent. in addition, of the owner or occupant, whose duty it was to comply with such ordinance; and for the purpose of arresting the progress of any fire, the mayor and council, or any three members thereof, may direct any building or buildings, to be torn down, removed, or blown up with gunpowder.

Wooden buildings may be prohibited.

May require scuttles in roofs.

Blowing up buildings with gunpowder in case of fire.

§8. That the city council shall have power, on petition, signed by at least twelve free-holders of said city, and notice given for six consecutive weeks, in one or more of the newspapers of said city, to lay out and establish, vacate, change or alter, any street or streets, alley or alleys, lane or lanes in said city; and if any person shall claim damages by reason of the laying out or vacating, changing or altering thereof, and shall file his notice of such claim, in

To establish and vacate streets, &c.

Publication and notice.

writing, with the city clerk, within thirty days after the order for laying out, vacating, changing or altering, shall have been published, which said order said city council shall cause to be published in some newspaper in said city, for four weeks in succession, the city council shall cause the damage, if any, over and above the benefit accruing thereby to such claimant, to be assessed by the oaths of three disinterested judicious freeholders of said city, by them appointed for that purpose ; and the amount so assessed, shall be paid within three months after the return of such assessment, either by the petitioners, or out of the city treasury, as said council shall determine ; or in default thereof, the order for laying out, vacating, changing or altering, shall be null and void : the city council shall have power to cause all the streets, highways, commons and market places of said city, to be kept in repair, and may cause the same to be graded, paved or otherwise improved, as the interests of said city may seem to require ; and shall have exclusive power of appointing supervisors and officers of streets and other highways within said city, and prescribing their several duties ; and the city council shall cause the public streets, roads, lanes, alleys and highways, and the public squares, and other public grounds that now exist within the limits of said city, to be, by the surveyor of the county of Cuyahoga, or some other competent surveyor, surveyed, described and permanently marked, and a plat thereof recorded by the city clerk, in a book to be provided for that purpose, in which book shall also be recorded, a plat of any new street which may hereafter be established by said council, under the provisions of this act ; and also of any change or alterations in any of the streets or highways of the city ; and such survey and record shall be, thereafter, conclusive evidence of the position and limits of such street, lane, alley, highway, square or public ground, subject however, to such alterations as may be made therein, agreeably to the provisions of this act : all persons within said city, who by law are liable to work on the roads, shall perform such

Damage, how awarded.

Appointing supervisors on highways.

Survey and record of streets, &c.

To be recorded by clerk.

Road Tax, how worked.

work, under the direction of the supervisors, to be appointed by the city council, and shall be liable for delinquency, in the same manner; and all fines and forfeitures incurred for delinquency, shall be collected in the manner pointed out by the laws of this State, regulating roads and highways; and when collected, shall be paid over to the city treasurer, to be expended as other road taxes are; and the road tax levied by law, on property within said city, shall be collected in money by the treasurer of Cuyahoga county; and when collected, shall be by him paid over to the city treasurer, and which shall be expended in the improvement of the roads and streets of said city, under the direction of the city council.

To be collected
by county treasurer.

How expended.

§9. That the council shall have power to levy a special tax to defray the expense of grading, paving, or otherwise improving any road, street, alley, lane, square, market place or common, within said city, by a discriminating assessment upon the land and ground, bounding and abutting on such road, street, alley, lane, market place, square or common, or near thereto, in proportion to the benefit accruing therefrom to such land or ground; and the city council shall appoint a committee of three disinterested judicious free-holders of said city, to estimate the cost of any such projected improvement, and to assess the expense on the land and ground as aforesaid; and it shall be the duty of the city council to provide, by ordinance, for the correction and equalization of such assessment; and the city council shall give notice in one or more of the newspapers published in said city, for six consecutive weeks, of the improvement to be made, in order that any one, damaged by reason of such improvement, may file his claim, in writing, in the office of the city clerk, within ten days after the expiration of the said six weeks' notice; and the said committee shall assess the damages, if any, of such claimants, and shall add the same to the cost of the improvement, as a part of the expense thereof, to be assessed as aforesaid; and said committee, within twenty days after the time shall

Special Taxes.

Three freeholders to estimate cost.

Board of Equalization.

Six weeks notice of projected improvements.

How damages are
awarded.

have expired for filing claims for damages, (unless for good cause the council shall grant them further time,) shall make return to the office of the city clerk, setting forth the ultimate cost of such projected improvement, including the damages awarded by them to the claimants, together with the names of such claimants and ground of claim, with the amount awarded them severally, set opposite their respective names; and also a brief description of the lands and grounds upon which they shall have assessed the expense of the improvement, with the names of the owners or persons, liable to pay the assessment, respectively annexed, and the amount thereon assessed, set opposite their respective names; and if the name of the person owning, or liable for the tax, is unknown, the fact shall be stated, by writing "unknown owner," in place of the name; and the city council, if they order and direct the improvement to be made, shall direct the city clerk, whose duty it shall be to annex a duplicate of taxes, so assessed, to the annual assessment roll, hereinafter specified, and to deliver it therewith, on or before the first Monday in July following, to the city collector, to be by him collected, at the same time, and in the same manner, as the annual taxes, and the proceedings of said collector shall, in all respects, be the same as in the collection of the annual taxes of said city, and he shall, in like manner, pay the same into the city treasury; and in case of any tax being returned unpaid and delinquent, the proceedings shall in all respects, be the same as in cases of delinquency in the payment of the annual taxes, with the addition of like interest and penalty; and when the improvement, so ordered, shall be completed, each claimant shall be entitled to receive from the city treasury, the amount of damages so, by the return of said committee, awarded him.

See amendment
1840.

Council to ap-
point clerk and
other agents.

§10. That the city council shall appoint a city clerk, and any other agents or officers necessary for the interest of said city, not herein provided for, and prescribe the duties and compensation for the same, and to remove the same at pleasure; and when the office of any person appointed under

the provision of this act, shall become vacant, the city council shall fill such vacancy; and the person appointed to fill such vacancy, shall continue in office the remainder of the term of his predecessor; and when the office of any person elected under the provisions of this act, by the qualified voters of this city or any ward thereof, shall become vacant, the mayor by order of the city council, shall issue an order for a special election to fill such vacancy; and the person elected shall continue in office during the remainder of the term of his predecessor; and in case of vacancy in the office of mayor, the president of the city council shall give notice for holding a special election to fill such vacancy; and until the same is filled, shall have power and authority to do and perform all the duties appertaining to the office of mayor; and in case of the absence or inability, at any time, of the mayor, he shall have like power and authority; and all the officers elected or appointed under the provisions of this act, shall, before entering upon the duties of their respective offices, take an oath or affirmation, faithfully and impartially to perform the several duties of the office to which such person is respectively elected or appointed; and when required, shall give bond, with good and sufficient security, to said city, in such sum or sums, and with such conditions, as the city council may from time to time determine; and in all cases not in this act provided for, shall receive such fees and compensation for their services, and be liable to such fines, penalties and forfeitures, for negligence, carelessness, misconduct in office, and positive violations of duty, as the city council shall by ordinance order and determine: and the city council may grant to the mayor, such compensation as shall be approved by the concurring vote of two thirds of all the members, and to members of their own body, such sum not exceeding one dollar per day to each member, for his attendance at any regular or special meeting of the board, as by a like vote shall be approved; and in all cases when a vacancy shall happen in the office of any officer elected by the provisions of this act,

Vacancies, how filled.

Oath and bonds of officers.

See amendment of 1840.

the city council shall, by appointment, fill such vacancy ; and the persons so appointed, shall hold such office until a person shall be elected and qualified to execute the duties thereof.

Powers and duties of marshal.

§11. That it shall be the duty of the marshal to execute and return all writs and process, to him directed by the mayor ; and when necessary in criminal cases, or for a violation of any ordinance of said city, he may serve the same in any part of Cuyahoga county ; it shall be his duty to suppress all riots, disturbances, and breaches of the peace ; to apprehend all disorderly persons in said city, and to pursue and arrest any person fleeing from justice in any part of the State of Ohio ; to apprehend any person in the act of committing any offence against the laws of the State, or ordinances of the city, and forthwith to bring such person or persons before competent authority, for examination ; and to do and perform all such duties as may lawfully be enjoined on him by the ordinances of said city ; and he shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require bail for the faithful performance of their duties.

Duties of Treasurer.

§12. That the treasurer of said city shall perform such duties, and exercise such powers, as may be lawfully required of him by the ordinances of said city ; all moneys raised, received, recovered and collected, by means of any tax, license, penalty, fine, forfeiture or otherwise, under the authority of this act, or which may belong to said city, shall be paid into the city treasury, and shall not be drawn therefrom except by a written order, under the authority of the city council, specifying the object of the appropriation ; and it shall be the duty of the city council to settle all claims and demands against said city, and publish accounts of the receipts and expenditures of said city, annually, for information.

Council to settle all claims, and publish yearly exhibit of finances.

City prison and use of county jail.

§13. That the city council shall, when the public good may require it, erect a city prison, and regulate the police

and internal government thereof; may authorise solitary confinement, or hard labor therein, for a violation of any of the ordinances of said city, punishable by imprisonment; and until such prison is prepared for the reception of prisoners, the said city shall be allowed the use of the jail of Cuyahoga county for the confinement of all persons convicted by the mayor, and sentenced under any of the laws of this state, or ordinances of said city; and all persons so imprisoned shall be under the charge of the sheriff of said county, who shall receive and discharge such prisoners in and from jail, in such manner as shall be prescribed by the ordinances of said city, or otherwise by due course of law: the city council shall also erect an almshouse, when the public good may require it, and such other buildings as may be necessary for the convenience of the city. Almshouse.

§14. That the city council shall have power to borrow money for the discharge and liquidation of any debt of the city, either present or prospective, and to provide for the redemption of any loan by them made, and the payment of the interest thereon; and to pledge the revenues and property of the city therefor, in such manner, and upon such terms and conditions as said council may by ordinance prescribe; and any ordinance for obtaining a loan of money, shall be considered and adopted by a vote of said city council, two-thirds of all the members concurring by yeas and nays, and be entered at large on their journal; the proceedings shall then be postponed for at least two weeks, to a subsequent meeting of said council, and shall then be passed by a like majority concurring, and the vote thereon shall be entered as aforesaid. Power to loan money.

§15. That for the discharge of any debt against said city, or expenditure authorised by the city council, under the provisions of this act, or any ordinance of said city, or to defray the current expenses of said city, the city council shall have power, annually, to levy and collect taxes on all the real and personal property, or capital of any kind, within said city, subject to taxation by the laws for levying Taxes, (repealed)
see amendment
1840.

Taxes, (repealed)
see amendment
of 1840.

the taxes of this state, for the time being; which property shall be listed and assessed annually, for taxation, by assessors appointed by the city council, one from each ward, who shall make return of their assessment roll to the office of the city clerk, at such times and in such form as the city council shall, by ordinance, direct; and it shall be the duty of the city council to make provision, by ordinance, for the listing and ascertaining the property to be assessed, for the valuation of such portions thereof, as by the laws levying the taxes of this state, shall, for the time being, be required to be valued, and for the correction and equalization of such assessment: and the city council, on or before the first Monday in June, annually, shall levy upon the whole amount of such assessment, as corrected and equalized, such per centage, as by the concurring vote of two-thirds of all the members, shall be deemed necessary; and it shall be the duty of the city clerk, on or before the first Monday in July annually, to deliver to the city collector a duplicate of the assessment roll, with the amount of taxes therein specified to be paid by each individual, with a warrant annexed thereto, under the hand of said clerk, and the mayor of said city, commanding said collector to collect from the several persons named in said assessment roll, the several sums set opposite their respective names; and in case such persons shall refuse or neglect to pay such tax, then to levy the same by distress and sale of the goods and chattels of such person, in the same manner as constables are required to do on execution, and the collector shall tax and collect, in such cases, the like fees; and it shall be the duty of such collector, and by such warrant he shall be directed, to make return on the first Monday in October thereafter, to the office of the city clerk, of his proceedings thereon, and to pay into the city treasury the amount by him collected, after deducting therefrom such amount as the city council, by ordinance, shall allow him as a compensation; and when any tax, imposed by the city council pursuant to law, shall be returned as unpaid, or shall not be paid within the time re-

quired by law, the said city council may maintain an action therefor, in the name of the city, against any person liable for the payment of the same, as owner of the real estate, or as owner of the personal property charged with said tax, in any court having cognizance thereof, with interest from the time such tax was returned unpaid, and costs of suit; and when any tax, charged upon any real estate within the city, shall be returned as unpaid, by the officer authorised to collect the same, the city council may direct the city treasurer to advertise and sell such real estate, as hereinafter provided: the city treasurer shall cause a notice to be published in a newspaper of the said city, for six successive weeks, describing the real estate charged with such tax remaining unpaid, notifying all persons concerned, that unless the said tax, with interest, and twenty-five per cent. penalty thereon, shall be paid before the time of sale in such notice specified, he will, on a day and place therein to be stated, expose the said real estate to sale at public auction; if such tax, with the interest and penalty thereon, be not paid by the time of the sale, the said treasurer shall proceed to sell the same, for the shortest time any bidder will take the said premises, and pay the said tax, and interest and penalty thereon; and on such sale, he shall execute to the bidder a certificate of sale, in which the property purchased shall be described, the amount for which it was sold, and the time for which the premises were purchased, shall be specified: also, the time when the purchaser will be entitled to receive the lease hereinafter mentioned; and said treasurer shall cause a copy of said certificate to be filed in the office of the city clerk; the grantee in such certificate shall, at the expiration of one year after such sale, be entitled to a lease of such premises, for the term he so bid off the same, which term shall commence at the day of the date of said lease; said lease shall be given by the mayor of said city, under the corporate seal of said city, and shall be presumptive evidence in all courts and places, that such tax and assessment were legally im-

Taxes, (repealed)
see amendment
of 1840.

Taxes, (repealed)
see amendment
of 1840.

posed, and the proceedings touching such sale were correct; and such grantee may obtain possession thereof in the manner prescribed by law, in cases of forcible detainer; and shall have, hold, and enjoy the said premises during the term for which the same were granted to him, free and clear from all claims and demands of any other owner or occupant of the same, but subject to any tax that may be charged thereon, during said term: and at the expiration of said term, such grantee, his heirs or assigns, may remove any building or fixture that may have been erected on the said premises, during the said term; any owner or claimant of the premises so sold, may, within one year after such sale, redeem the same, by paying to such grantee, his heirs or assigns, or into the city treasury, for his or their benefit, the amount paid by such purchaser, with the addition of twenty-five per cent. on the amount; and on such payment being made, the title of such grantee shall absolutely cease and determine: the mayor, by direction of the city council, may renew any warrants that may be lawfully issued for the collection of any tax, from time to time, as often as any tax shall be returned uncollected, or may issue a new warrant for the collection of such tax, and in such warrant shall specify the time when the same shall be returned; and the same proceedings shall, in all respects, be had on such renewed warrants, as are herein authorised upon the first warrant.

Ordinances, how
passed.

§16. That every law or ordinance of said city, before it shall be of any force or validity, shall be ordered to be engrossed for its final passage, by a majority of all the members of the city council concurring; it shall then be reconsidered by the city council, and if, at its final passage, it shall be adopted by a majority of all the members concurring, it shall become a law for said city; and all questions on the engrossment or final passage of any law or ordinance, or on the appointment of any officer of said city, shall be decided by yeas and nays: and the names of the persons voting for or against the same, shall be entered in the jour-

nals of said council : and all laws and ordinances framed as aforesaid, shall be signed by the presiding officer of the council and the city clerk, and forthwith published in one or more newspapers of said city.

§17. That all qualified electors for members of the general assembly of this state, who have resided within the bounds of said city one year next preceeding the election, shall be deemed qualified voters of said city, and shall be entitled to vote in the ward in which they respectively reside, for any officer in the city required by this act to be elected by the qualified voters of said city ; and in all elections for city officers, after the organization of said city government under this act, the mayor shall issue his proclamation to the qualified voters of said city, setting forth the time of such election, the place or places where the same is to be held in the several wards, and the several officers to be chosen ; and said proclamation shall be published in one or more newspapers, printed or in general circulation in said city, for at least ten days previous to said election : and after the organization of the city government under this act, it shall be the duty of the city council to provide the place or places of holding all elections in said city for city officers, the hour of the day the same shall continue open, to appoint the judges thereof, provide for the making and directing the returns of elections, the time and manner of opening the returns and of making an abstract thereof, and of keeping a journal of the same ; and may make such other arrangements respecting said elections, as may be lawful and convenient for the citizens of the several wards ; and the person or persons having the highest number of votes, shall be declared duly elected.

Qualification of electors.

Mayor to issue proclamation for annual election.

§18. That in all cases brought before the mayor, for the violation of any of the ordinances of the city, when the defendant is adjudged to pay a fine or penalty, the defendant shall have a right, within ten days, to appeal to the court of common pleas of Cuyahoga county, upon giving bond with such security as the mayor shall approve, in double the

See amendment of 1840.

amount of the debt and costs ; and if double the amount of such judgment do not amount to fifty dollars, such bond shall be fifty dollars, conditioned to pay the judgment and cost which may be rendered against him, her or them in said court of common pleas ; and in all cases appealed under the provisions of this act, the prosecution may be by action of debt or by indictment, as the case may require, and may proceed in the same manner as offences against the laws of the state are prosecuted ; and the prosecution shall be managed and conducted by such counsel as for that purpose shall be authorised by the city council ; and all fines imposed or penalties recovered shall, when collected, be paid into the city treasury ; and whenever bail from appeal as aforesaid, shall have been perfected as above provided, the mayor shall recall any execution which may have issued on any judgment as aforesaid.

Fines to be paid
into the Treasury.

Common Schools

§19. That the city council be, and they are hereby authorised, at the expense of said city, to provide for the support of common schools ; and for that purpose each of the wards of said city shall constitute a school district, until such time as the city council may divide each ward into two or more school districts, which they are hereby authorized to do, in such a manner as they may deem most convenient, having due regard to present and future population ; and they are hereby authorised to purchase in fee simple, or to receive as a donation for the use of the city, a suitable lot of ground in each school district, as a site for a house therein ; and they are hereby authorised to erect in each district a good and substantial school house, of such dimensions as shall be convenient for the use of the common schools in said city, and to defray the necessary expenses of the buildings and constructing such school houses, and also to pay the purchase money for the lots of land on which the same shall be erected : it shall be lawful for the city council, annually, to levy, in addition to the other taxes in said city, a tax, not exceeding one mill on the dollar, upon all property in the city subject to the payment of annual

taxes by the provisions of this act, until a sufficient sum shall be raised and collected from such tax to meet all the expenses which shall be incurred, for the purchase of lots of land and the erection of the school houses aforesaid : **Pro-** Proviso.
VIDED, It shall be lawful for said city to borrow such sum or sums of money as may be sufficient and necessary for purchasing or building as aforesaid, and to refund or pay the same as the tax aforesaid shall be collected ; and the said tax is hereby made a special fund to be appropriated to no other purpose.

§20. That for the support of common schools in said city, and to secure the benefits of education to all white chil- Taxes for pay-
ment of Teach-
ers, &c. and white
children.
 dren therein, it shall be the duty of the city council, annually, to levy and collect a tax not exceeding one mill on the dollar, upon all the property in said city subject to the payment of annual taxes by the provisions of this act, which shall be collected at the same time and in the same manner as is provided for the collection of the annual taxes ; which tax, together with such as may be collected by the county County treasurer
and School Fund.
 treasurer for school purposes, within such part of the county of Cuyahoga as is within the limits of said city, shall be exclusively appropriated to defray the expenses of instructors and fuel for said schools, and for no other purpose whatsoever ; which schools shall be accessible to all white children, not under four years of age, who may reside in said city, subject only to such regulations for their government and instruction, as the board of managers, hereinafter mentioned, may from time to time prescribe.

§21. That the city council shall annually, select one judicious and competent person from each school district in the city as a manager of common schools in said city, which Board of School
managers, how
chosen.
 managers shall constitute and be denominated "The Board of Managers of Common Schools in the city of Cleveland;" who shall hold their office for one year, and until their successors are appointed and qualified, and shall fill all vacancies which may occur in their own body, during the time for which they shall be appointed.

Powers and duties of school managers.

§22. That the said managers shall have the general superintendence of all common schools in said city, and from time to time shall make such regulations for the government and instruction of the white children therein, as to them shall appear proper and expedient, and shall examine and employ instructors for the same; and shall cause a school to be kept in each district for at least six months in each year, and shall cause an accurate census to be taken annually, in each district, of all the white children therein, between the ages of four and twenty-one years; and require of the several instructors thereof, to keep a record of the names and ages of all persons by them respectively instructed, and the time each shall have attended said schools, and return a copy of such record to the board of managers, at the close of each and every current year; and said board shall certify to the city council the correctness of all accounts for expenses incurred in support of said schools, and give certificates thereof, to the persons entitled to receive the same; they shall, at the close of every current year, report to the city council the state and condition of the several common schools in said city, as well the fiscal as the other concerns in relation thereto, and a particular account of their administration thereof; and they shall do and perform all other matters and things pertaining to the duties of their said office, which may be necessary and proper to be done, to promote the education and morals of the children instructed in said schools, or which may be required of them by the ordinances of said city, not inconsistent with this act: PROVIDED, That no person shall be employed as instructor in any of said schools, who has not first been examined, by the board of managers, and received a certificate of qualifications, as to his or her competency and moral character.

What age children admissable.

Teachers to be examined.

Obsolete.

§23. That all monies which shall belong to the village of Cleveland, or which said village shall be entitled to at the time it shall be organized under this act, for the use of common schools therein, shall be paid over to and held by the

city treasurer, and all moneys hereafter levied and collected within the limits of said city, for the support of common schools, and also all other money appropriated by law for the use of common schools therein, shall be paid into the city treasury as a separate and distinct fund, and shall not be applied, under any pretence whatever, to any other use than that for which it is levied and collected; and a separate and particular account of the receipts and expenditures thereof, shall be kept by the said treasurer, in a book to be provided for that purpose; and the said treasurer shall not be entitled to receive any per centage, premium or compensation, for receiving or paying out said fund, or for keeping the accounts thereof.

§24. That the city council shall fix by ordinance, the commencement and termination of the current year of said common schools, and determine the time and duration of all vacations thereof, which shall be the same throughout said city; and said city council may at their discretion, at any time previous to the erection of the school houses provided for in this act, lease on such terms and conditions as they may deem proper in the several school districts of said city, and for such times as they shall think necessary, convenient buildings for the use of common schools therein, to be occupied only till such school houses shall be erected and prepared for such schools: **PROVIDED**, That the property of black or mulatto persons shall be exempted from taxation for school purposes under this act.

Commencement and termination of schools to be fixed by council.

School houses & lots.

Property of blacks exempt from school tax.

§25. That any person to be eligible for any office under the provisions of this act, shall be a qualified voter of the city.

§26. That the president, recorder and trustees, and all other officers of the corporation of the village of Cleveland now in office therein, shall remain in their respective offices, and perform the several duties thereof, until the mayor and city council are elected and qualified under this act; and all law, ordinances and resolutions passed and adopted by the corporate authorities of said village, shall remain in

Village laws repealed.

full force until altered or repealed by the city council established by this act.

Property of the
City.

§27. That the said city of Cleveland shall be and is hereby invested as the lawful owner and proprietor of all the real and personal estate, and all the rights and privileges thereof, belonging to the corporation of the village of Cleveland ; together with all the property, funds and revenues, and all monies, debts and demands, due and owing to said village of Cleveland, or to the president, recorder and trustees thereof, as a corporate body, which by or under any former acts, ordinances, grants, donations, gifts or purchases, have been acquired, vested, or in any manner belong to said corporation, and the same are hereby transferred to the corporate body created by this act ; and all suits pending and judgments recovered by or in favor of or against the said village of Cleveland, and all rights, claims and demands, in favor of, or against the same, may be continued, prosecuted, completed, defended and collected, in the same manner as though this act had never been passed ; and the said city shall be accountable for all debts and liabilities of said village corporation.

Village Charter

§28. The president and trustees, or a majority of them, of the corporation of Cleveland village, shall designate some time in the month of April, 1836, for holding the first election, and shall appoint three suitable persons in each ward of said city to be judges of the first election under the provisions of this act, also two suitable persons to be clerks thereof, in each ward, and shall notify the several persons so appointed ; and shall publish in one or more of the newspapers in said city, at least ten days before said election, the several places designated for holding the same, and to procure a suitable place in each ward for holding the election, which said first election shall be opened between the hours of nine and eleven o'clock in the forenoon, and shall continue open untill five o'clock in the afternoon ; and said election shall be conducted agreeably to the laws regulating township elections, and it shall be the duty of the judges

of said election, in the several wards, within two days thereafter, to make and direct the returns thereof to the president of said village corporation, at his office, in the same manner that election returns are required to be made to the clerk of the court of common pleas, by the act entitled "An Act to regulate elections;" and the said president or person acting as such, shall, within three days after such election, open the returns which shall have been made to him as aforesaid, and make an abstract thereof, and immediately notify in writing the persons elected as aforesaid of their several elections under this act.

§29. That the act entitled "An Act to incorporate the village of Cleveland," passed December 22, 1814, and the several acts amendatory thereto, and all acts and parts of acts inconsistent with this act, be, and the same are hereby repealed, saving and excepting as is hereinabove excepted.

AMENDMENTS

OF THE CHARTER OF

THE CITY OF CLEVELAND.

An Act restraining the corporate authorities of the city of Cleveland in the exercise of certain power, and for other purposes.

Licensing Taverns prohibited.

§1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall not be lawful for the corporation of the City of Cleveland, or the council or other legislative authority thereof, to grant any license to tavern keepers, inn holders, retailers of spirituous liquors by less than a quart, ale or porter houses, or any other house of entertainment for the distribution of stimulant liquors to be drank where sold; any thing in the charters of incorporation of said city or the acts amendatory thereto, to the contrary notwithstanding.

Common Pleas to grant licenses.

§2. The court of common pleas for Cuyahoga county may grant licenses in the city of Cleveland, for the establishment of taverns for the entertainment of travellers in the manner and upon the terms and conditions prescribed by the general laws of the state for granting tavern licenses; and in granting such licenses the court of common pleas shall especially take care that no tavern be licensed

where the principal business contemplated is an habitual resort of the citizens for tippling ardent spirits, wine, ale or beer, or any other intoxicating liquors.

§3. The city council of the city of Cleveland shall be authorised and empowered, and it is hereby made their duty to provide by ordinance, under appropriate and effective penalties, for the suppression of all houses of public entertainment wherein ardent spirits, wines, ale or beer, or any other intoxicating liquors are, under any pretence whatever, used as part of such entertainment, except taverns licensed as by this act provided; all penalties enacted for this purpose shall be recovered in an action of debt before the mayor of said city, or any justice of the peace, wherein the city shall sue as plaintiff. An appeal to the court of common pleas shall lie from the judgment of said mayor for either party, in all cases where the penalty demanded exceeds ten dollars; and upon such appeal the parties shall proceed in the court of common pleas as in a penal action of debt, and the pleading, trial, and judgment shall be had accordingly.

§4. The city council of said city shall have power and authority to provide by ordinance all necessary penalties accumulative upon those of the state laws for the preservation of good order in the licensed taverns within said city; and prosecutions for the violation of all such ordinances shall be conducted as in cases where no license has been granted; and in all cases where a licensed tavern keeper shall be twice convicted of violating either the general laws or the city ordinances during the continuation of any one yearly license, upon such second conviction the license shall be forfeited, and the party shall be incapable of being licensed for the next term of twelve months ensuing such forfeiture.

§5. All licenses granted before the taking effect of this act shall continue in force according to the period of their respective grants, but shall nevertheless be subject to any enactments made for enforcing the observation of the laws

under the provisions hereof; this act to take effect and be in force from and after the first day of April next.

County Treasurer to receive license money.

§6. It shall be the duty of the auditor of Cuyahoga county to give to the treasurer of the city of Cleveland, on demand, an order on the county treasurer for any monies that shall at any time remain in the county treasury that have been received for tavern licenses granted within the city of Cleveland; and which money shall be paid into the treasury of the city of Cleveland.—Passed March 18, 1839.

AN ACT

To amend an act entitled “An act to incorporate the city of Cleveland.”

Lake shore protection.

§1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Cleveland, shall have power to levy a special tax for the purposes of improvement, and also for protecting the shore of the lake, by a discriminating assessment, agreeably to the 9th section of the act entitled “An act to incorporate the city of Cleveland,” providing for the payment of the same in annual instalments.—Passed March 21, 1840.

AN ACT

To amend an act entitled “An act to incorporate the city of Cleveland.”

Council not allowed pay.

§1. *Be it enacted by the General Assembly of the State of Ohio,* That the aldermen and councilmen of said city shall not be allowed or paid any compensation whatsoever, for their respective services, and no officer of said city shall be allowed or paid more than two hundred dollars in any one year, either by way of salary, or otherwise.

§2. The city council shall, annually, between the first day of April and the first day of June, determine the amount of taxes necessary to be levied upon the taxable property in said city, for city purposes, by a vote, in which vote at least eight of the members of said council shall concur, and said council shall enter such vote upon their journal, with the yeas and nays of the members voting, and the mayor shall certify the said vote to the auditor of Cuyahoga county, on or before the first Monday in June, annually ; provided, that the tax so to be determined, shall not exceed five mills on the dollar, on the taxable property in said city, entered for taxation by said county auditor in the current year. Council not to levy but 5 mills on the dollar on county valuation.

§3. That the county auditor of Cuyahoga county, in making the duplicate of taxes for said county shall, annually, charge the amount of tax so determined upon the taxable property in said city, in a column to be designated for that purpose, and the tax so charged, shall be collected by the county treasurer at the same time, and in the same manner as the other taxes charged upon the duplicates shall be collected ; and the [county treasurer] shall be allowed one and a half per centum on the amount so collected, as a compensation for collecting, by the county auditor ; and the county treasurer shall, forthwith, pay over to the treasurer of said city, the net amount so collected on the order of the county auditor. County Treasurer to collect City Tax.

§4. That the fifteenth section of the above recited act, and all other parts thereof, coming within the purview of this act, be and the same are hereby repealed : provided, that all taxes heretofore levied, or penalties accrued, shall be collected in the same manner they would have been if this act had not been passed. This act shall take effect from and after its passage.—Passed March 20, 1841. 15th section city charter repealed.

AN ACT

To amend the charter of the city of Cleveland.

Trial by jury before Mayor.

§1. *Be it enacted by the General Assembly of the State of Ohio*, That in all prosecutions against any person accused of the violation of any ordinance of the city of Cleveland, such person may demand a trial by jury, which jury shall be selected by the mayor of said city, in the same manner that jurors are selected by the justices of the peace; and when the jurors are thus selected, the mayor shall issue his venire, directed to the marshal of the city, commanding him to summons the persons named in said venire forthwith to appear before the mayor, and any person neglecting to obey the command of said venire, shall be liable to be fined by the said mayor the sum of one dollar, which fine shall be entered on the records of said mayor, and collected by execution, with costs, and when collected, paid into the city treasury; each juror shall be entitled to receive fifty cents for each case in which he shall attend and serve.

Mayor's and jurors' duties.

§2. The said jury, after being duly sworn, shall try the question of the guilt or innocence of the party accused, and if they agree, render their verdict to the said mayor, who shall thereupon render a judgment.

No appeal from Mayor's court.

§3. That in all cases where any person shall fail to demand a jury, or shall demand a jury which shall render a verdict in the case, there shall be no appeal from the judgment of the mayor rendered upon said verdict: provided, the mayor may, on good cause shown, grant a new trial after verdict and before judgment. This act shall take effect from its passage.—Passed March 29, 1841.



L A W S

AND

O R D I N A N C E S

OF THE

CITY OF CLEVELAND.

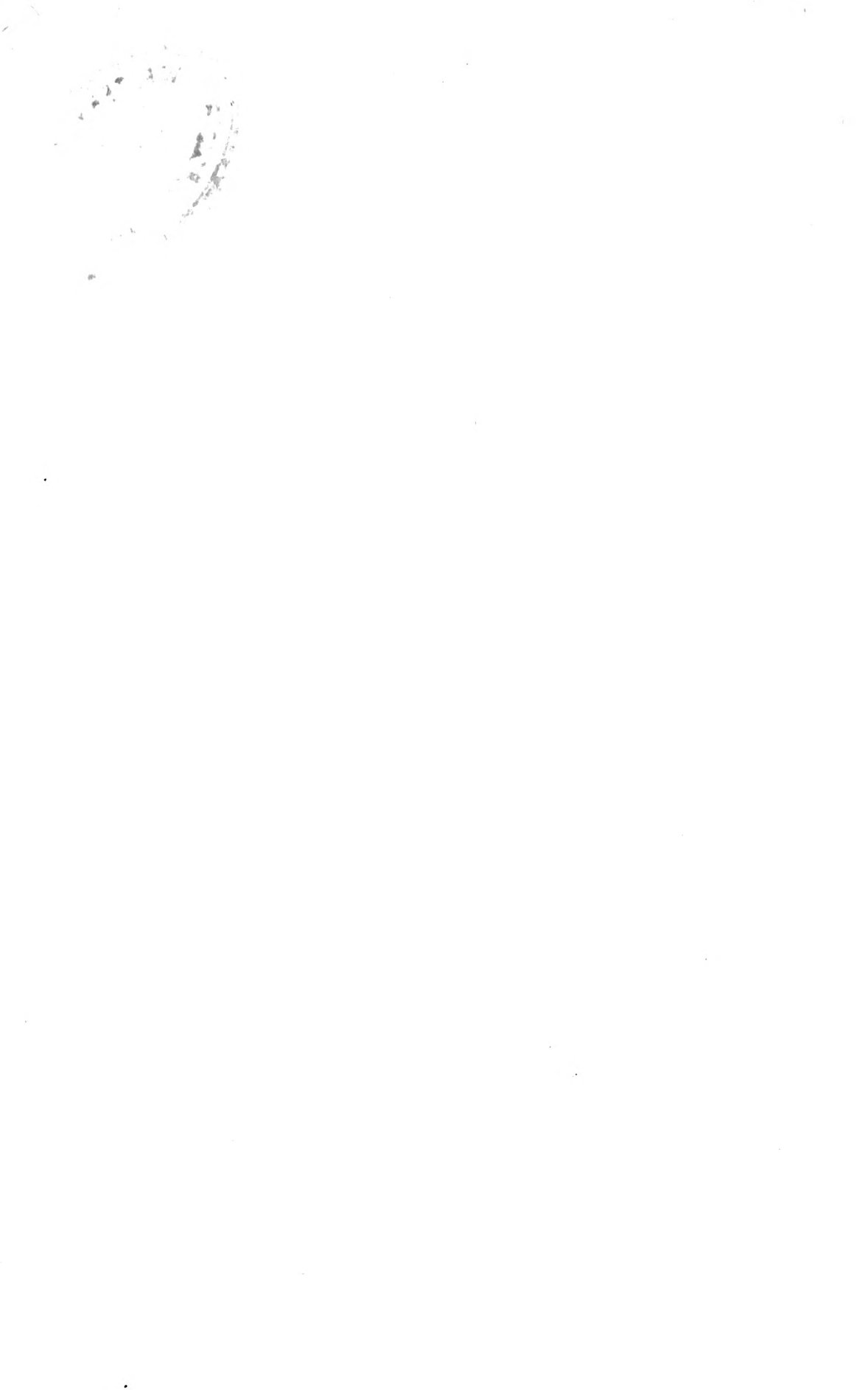
IN FORCE 1842.

PUBLISHED BY ORDER OF THE COMMON COUNCIL.

CLEVELAND:

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1842.



LAWS AND ORDINANCES
OF THE
CITY OF CLEVELAND:
IN FORCE 1842.

STREETS.

For the appointment of Street Commissioner, and defining his duties.

SEC. 1. Street Commissioner.

2. His duties defined.

§1. Be it, and it is hereby enacted, by the city council Title of office. of the city of Cleveland, That there shall be appointed by said council a General Street Commissioner for the city of Cleveland.

§2. And it is further enacted, That the General Street Duties defined. Commissioner shall have the immediate superintendence of all the streets, lanes, alleys, and highways in said city, and it shall be his duty to direct when, where and in what manner, work on the same shall be done. It shall also be his duty to examine the condition of the streets, lanes, alleys and highways, and report the same to the city council, or to the standing committee on streets. But when repairs are necessary to save the streets from further damage, before

he can have an opportunity to report as above, then he may repair the same forthwith, and report to the city council or standing committee afterwards, the place, nature and expense of such repairs. He shall also provide materials and do all other acts necessary for the construction and repairs of streets, highways, or alleys, subject, however, at all times to the direction of the city council.—Passed April 23, 1836.

For the appointment of a Street Supervisor.

Title of office
changed.

§1. Be it ordained, &c. That there shall be appointed a Supervisor for the city, who shall do and perform the duties prescribed to be performed by the Street Commissioner in the Ordinance to which this is an amendment, and who shall be subject to the restrictions in said Ordinance intended; and so much of said Ordinance as is contrary to this Ordinance, is hereby repealed; saving all rights and liabilities which have heretofore accrued in the same manner as if this Ordinance had never been passed.—Passed March 22, 1838.

To Regulate the Streets.

- SEC. 1. Streets to be swept semi-monthly, on Friday mornings.
2. Drains and sewers not to be obstructed.
 3. Earth and gravel not to be taken from streets.
 4. Side-walks not to be encumbered by boxes, &c.
 5. Horses not to be fastened so as to interrupt passage.
 6. Stone, timber, &c. not to be placed in streets.
 7. No person to drive on side-walks.
 8. Signs not to project over three feet into street.
 9. Awning to be seven feet above side-walks.
 10. Building materials not to be placed in streets.
 11. Mayor or councilmen may grant permission to place building materials in streets.
 12. Penalty in not complying with permits.
 13. Waggon, &c. not to be left in the streets to be repaired.
 14. Rubbish, &c. not to be thrown upon the bank of the lake.

§1. Be it ordained, &c. That every owner or occupant

of a house, building or vacant lot, or persons having charge of the same, west of Erie-street, and east of the Cuyahoga river, and Division-street, and south from Lake Erie, including Bolivar-street, with the exception of Superior-street, shall before ten o'clock on Friday forenoon every two weeks, from the first day of April till the first day of November each year, cause the side-walks, streets, or lanes on which such houses, buildings or lots may front, to be thoroughly cleaned, and the dirt, manure, or filth to be collected into heaps convenient to be carted away, and previous to being so cleaned, the same shall be sprinkled with water, so as to prevent the dust from rising, and for each and every neglect or refusal to comply herewith, the owner, occupant or person having charge of such house, building or lot, shall forfeit the penalty of one dollar: And it is further ordained, that Superior-street be cleaned on the forenoon of Friday of each week, as provided in this section; and it is hereby made the duty of the marshal to cause the dirt, manure and filth so heaped up to be removed.

Streets to be
cleaned semi-
monthly.

§2. No person shall cast, throw, or cause to be thrown into any of the streets, lanes, gutters, drains or sewers, within the city, any straw, shavings, wood, stones, earth, sand, rubbish, filth, or any thing that may cause obstruction, nuisance or injury to the same, under the penalty of not less than one nor more than ten dollars.

Sewers & drains
not to be obstruc-
ted.

§3. No person shall, without permission from the city council, dig, remove, or carry away, or cause the same to be done, any stone, earth, sand, or gravel, from any street, lane, highway or public ground in this city, under the penalty of five dollars for each offence.

Earth not to be
taken away from
streets.

§4. No person shall place or deposite any cask, wood, stone, plank, boards, or other articles, on any side-walk, except as hereinafter provided, under the penalty of one dollar for each offence, and a like penalty for each and every two hours such obstruction shall remain, after being notified by the mayor, councilmen, or marshal, to remove the same. And no person shall place or set out, or cause the same to

Side-walks not to
be encumbered.

be done, any goods, wares or merchandise, for sale in front of any store, shop or other building, further than four feet into the street, under the penalty of five dollars for each offence.

Horses not to be fastened in streets

§5. No person shall at any time fasten any horse or horses in such way that the reins or lines shall be an obstacle to the free use of any side-walk, under the penalty of one dollar for each offence, and the person in whose possession or use such horse or horses shall then be, shall be deemed the offender, unless he can prove the contrary to the satisfaction of the magistrate before whom he shall be brought. No person shall immoderately ride or drive any horse or horses in any street, lane, or highway in said city, and if any person or persons shall be convicted thereof, he or they shall forfeit for each offence a penalty of not less than two nor more than ten dollars.

Streets not to be encumbered.

§6. No person shall place or deposite any cask, boxes, crates, wood, stone, plank, boards, or other articles, on any side-walk, except as provided by the fourth section; nor shall any person deposite or leave any of the articles above mentioned in any of the streets of this city for any longer period than shall be deemed by the mayor or two members of the council unavoidably necessary, previous to removal away from the adjoining premises, under the penalty of one dollar for each offence, and a like penalty for each and every two hours such obstructions shall remain, after being notified by the mayor, or an alderman, or councilman, or the marshal, or street commissioner, to remove the same.

Persons not to drive on side-walks.

§7. No person shall push or draw back or drive any horse, cart, waggon, or other vehicle, over any side-walk, or use, ride, or drive any horse, waggon, sled or sleigh thereon, unless it be in crossing the same to go into a yard or lot, under the penalty of one dollar for each offence.

Signs not to project more than three feet.

§8. No owner or occupant of any dwelling house, store, or other building, shall fix, put up, erect or suffer to remain fixed, put up or erected, any sign projecting into or over the street or side-walk more than three feet, under a penal-

ty of five dollars for each and every offence, and a like penalty of five dollars for refusing to remove the same for each and every forty-eight hours the same shall remain, after being requested to remove the same by the mayor, or an alderman, or councilman, or the marshal ; but nothing herein contained shall prohibit the erection of tavern signs, awning, lamp, or other posts ; and no bow window or other window shall hereafter be erected so as to extend into any street more than fifteen inches, and no porch, stoop or steps, cellar door or platform, shall extend into any street more than five feet ; and any violation of this section or any part thereof, shall subject the person offending to the penalty of five dollars, and the further penalty of five dollars for every day such offender shall so continue the same, after being notified to have the same taken down.

§9. No person shall erect any awning made of cloth in any street or lane, unless the same shall be at least seven feet elevation from the side-walks, and shall be supported by a rail placed on posts erected at the outer edge of the side-walks, and with the rail therein shall be at least seven feet in height from the side-walk, and if any person shall erect any awning contrary hereto, he shall forfeit the sum of three dollars, and for every day he shall continue the same, after notice to have the same taken down, shall forfeit the sum of one dollar.

§10. No person shall place or cause to be placed, any stones, timber, lumber, plank, boards, or other materials for building, in or upon any street, lane or public square, without a written permission for that purpose first obtained from the mayor, or one of the council, under the penalty of two dollars for each offence, and the further penalty of two dollars for each and every forty-eight hours during which the articles or materials aforesaid, shall be or remain in any such street, alley, or public square, (without permission as aforesaid,) after notice from the mayor, or any alderman, councilman, or marshal, to remove the same.

Awnings regulated.

Stone, timber, &c. not to be placed in streets without permission.

§11. The mayor, or either of the council, is authorised to

Mayor or Councilman may grant permission.

grant to any person permission in writing, to place and keep any building materials in any of the public streets, for a period of time not exceeding four months; but such permission shall not authorise the obstruction of more than one half of the side-walk and one half the carriage way of said street, opposite the lot on which an erection is to be made, by the person to whom such permission is granted, and such permission may be revoked at any time by the city council, in their discretion.

Penalty.

§12. Every person to whom permission is granted as aforesaid, shall cause all the timber, building materials, and rubbish therefrom, to be removed from the street, by the expiration of the time limited in such permission as aforesaid, under the penalty of one dollar for every forty-eight hours the timber, materials, or rubbish aforesaid, shall be and remain in such street, after the expiration of the time limited in the permission granted as aforesaid, but no single recovery shall exceed the sum of twenty-five dollars.

Waggons, &c. not to be left in streets.

§13. No person shall suffer any carriage, waggon, cart, sleigh, or sled, without horses or other beasts of burden, for the purpose of being repaired, or for any other purpose, to remain or stand in any street or lane, for more than one hour, under the penalty of one dollar for each offence.

Rubbish not to be thrown upon the banks of the Lake and River.

§14. No person shall throw, place or deposite, or cause the same to be done, any manure, stones, bricks, chips, straw, wood, or any other filth or rubbish upon the bank of the lake or river, or on either of them, west of Erie street, within the bounds of the city, and any person convicted under this section, shall forfeit and pay not less than one nor more than ten dollars for each offence.

This ordinance shall take effect from and after the fourteenth of May instant.—Passed May 9, 1836.

To amend an Ordinance entitled "An Ordinance to Regulate Streets."

§1. Be it ordained, &c. That so much of the Ordinance

passed May 9th, 1836, making it the duty of the marshal to cause to be removed the dirt, manure, and filth heaped up in the streets and gutters, be so amended as to make it the duty of the street supervisor to do the same.—Passed April 3, 1839.

Regulating Side-Walks.

§1. Be it ordained, &c. That all side-walks shall be made ^{Width of side-walks.} under the direction of the city surveyor, and shall be of the width following, to wit : On eight rod streets, twenty feet ; six rod streets, sixteen feet ; five rod streets, sixteen feet ; four rod streets, fourteen feet ; on all three rod streets, or lanes, nine feet, except Superior-lane and St. Clair-lane, which shall remain as now established. Every person constructing any side-walk, contrary to the requirements of this section, and every person permitting any side-walk so constructed to remain sixty days, after having been notified by the marshal to remove or change the same, shall forfeit and pay for every such offence, the sum of fifty dollars, and the like penalty for each and every week the same shall remain after such notice as aforesaid, provided that all ornamental or shade trees that have been set out with reference to the present width of side-walks, shall be permitted to remain as they now are, for the period of one year from the passage hereof.—Passed May 26, 1836.

For Flagging certain Side-Walks therein named.

§1. Be it ordained, &c. That every owner of real estate, fronting on that part of Superior-street which lies west of the public square, and every person owning land fronting or abutting on Superior-lane, or on that part of Water-street which lies south of St. Clair-street, shall cause the side-walk in front of the same, to be flagged with stone or brick, under the direction of the city engineer, and in

conformity with the law regulating side-walks, on or before the first day of December next. And every person owning land as aforesaid, who shall fail to comply with the requirements of this section, within the time therein specified, shall forfeit and pay therefor the penalty of fifty dollars for every twenty feet of side-walk that shall remain so unflagged; and an additional penalty of twenty dollars for each and every week the same shall so remain after the time limited as aforesaid.

§2. That the street commissioner shall cause the crossings of said streets and lane, at their intersections with other streets and lanes, to be paved with suitable materials, under the direction of the city engineer, within the time limited in the preceding section, and report the expense thereof to the city council.—Passed July 13, 1836.

For continuing Centre-street from Bank-street to Seneca-street.

Centre-street
from Bank to Seneca-street,

§1. Be it ordained, &c. That Centre-street be laid forty-one feet wide from Bank-street to Seneca-street. The south line thereof to commence on the east side of Bank-street, sixteen rods from the north line of Superior-street, and to run parallel with Superior-street, and the same is hereby declared established a public street or highway in said city.—Passed October 26, 1836.

To provide for clearing Side-Walks and Gutters.

Side-walks to be
cleaned from
snow and ice.

§1. Be it ordained, &c. That the occupant of each and every tenement, or building in said city, fronting upon any street, the side-walk of which is flagged with stone or brick, or the owner of any unoccupied lot fronting as aforesaid, shall clear the side-walk and gutter in front of such tenement or building, or unoccupied lot, as the case may be, of snow and ice by nine o'clock in the forenoon of each

day, and cause the same to be kept clear from snow and ice; and every person omitting to clear off such side-walk and gutters by the hour in the forenoon above named, or to keep the same free from snow and ice for the space of twenty-four hours after the snow has fallen or accumulated upon such side-walk or gutter, shall forfeit the sum of two dollars, to be recovered before the mayor, with costs, and the like penalty of two dollars for every twelve hours such side-walk or gutter shall remain so encumbered after notice from the mayor or marshal to clear the same.—Passed November 30, 1836.

To establish Crown-street.

§1. Be it ordained, &c. That a street forty feet wide, and extending from Superior-street to Euclid-street, in said city, the westerly line thereof to be as follows: Beginning at a point in the northerly line of Euclid-street one hundred feet easterly (measuring upon said northerly line of Euclid-street,) from where the westerly line of original lot No. 91 intersects said north line of Euclid-street; thence north ten degrees, ten minutes, west at right angles with Euclid-street one hundred feet to the easterly line of said lot No. 91; thence north thirty-four degrees west along said easterly line of said lot to Superior-street, be and the same is hereby laid out and established a public highway in said city, which street shall be called and known as Crown-street.—Passed February 15, 1837.

To lay out and establish Hickock's Alley.

§1. Be it ordained, &c. That an Alley, running from Euclid-street to Prospect-street, through lots No. 88, 100, and 99, in the city of Cleveland, to wit: of one rod in width, excepting at the circle herein specified; the easterly line commencing upon the southerly line of Euclid-street,

Hickock's Alley. 3 chains and $52\frac{1}{2}$ links from the easterly corner of the public square; running thence south ten degrees ten minutes east, at right angles with Euclid-street, 2 chains $28\frac{1}{2}$ links to a post set in the periphery of a circle; thence south $57\frac{3}{4}$ degrees east 21 feet 5 inches to a post set in the periphery of said circle; thence south 19 degrees 53 minutes east to the northerly line of Prospect-street; the radius of said circle 16 feet 1 inch, and the centre thereof 4 chains 49 links 5 inches distant from the northerly line of Prospect-street, measuring on the westerly line of said Alley, and is six inches easterly from the continuation of said westerly line, be and the same is hereby laid out and established a public highway.—Passed March 15, 1838.

To vacate and re-establish St. Clair-lane, from Water-street to the Cuyahoga river.

St. Clair-lane vacated. §1. Be it ordained, &c. That St. Clair-lane (running from Water-street to the Cuyahoga river,) as heretofore recorded, be and the same is hereby vacated.

Re established 3 rods in width. §2. That a lane, which shall be called St. Clair-lane, is hereby laid out and re-established three rods wide, from Water-street to the Cuyahoga river, by taking two rods of land from original lot No. 200, and one rod from original lot No. 201, said lane running between said original lots, and said lane shall be ranked among the lanes and public highways of the city.—Passed April 25, 1838.

To amend an Ordinance regulating Side-Walks.

Amendatory to side-walks. §1. Be it ordained, &c. That so much of an Ordinance entitled "An Ordinance to regulate side-walks," passed May 23d, 1836, as relates to the establishing of the width of the side-walks on Euclid-street, be and the same is hereby repealed.

§2. That the side-walks on Euclid-street be and the same are hereby established twelve feet wide.—Passed June 20, 1838.

To lay out and establish Wall-street.

§1. Be it ordained, &c. That a street under the name ^{Wall street boundaries.} and title of Wall-street, be and the same is hereby laid out in said city, and bounded as follows: The southerly line of said street, commencing westerly at the west line of Water-street, at a point northerly from the north line of Lake-street five hundred and eighty feet; from thence running easterly on a line nearly parallel with said Lake-street to the east line of Ontario-street, at a point five hundred and forty feet from the north line of said Lake-street; from thence continuing easterly to the east line of Eric-street, at a point five hundred and twenty feet from said Lake-street, and on a line connecting the aforesaid points. The northerly line of said Wall-street to be sixty feet from its southerly line and parallel thereto; and the same is hereby established a public highway under the name and title of Wall-street.—Passed August 8, 1838.

To vacate a part of St. Clair-lane.

§1. Be it ordained, &c. That so much of St. Clair-lane ^{Part of St. Clair-lane vacated.} as lies south of the southerly line of Union-lane and westerly of River-street, be and the same is hereby vacated.—Passed November 7, 1838.

To amend an Ordinance to regulate Streets, passed May 9, 1836.

§1. Be it ordained, &c. That no person shall suffer any waggon, cart, sleigh, or sled, loaded with wood or hay, to ^{Front of side-walks to be kept clear.} stop (except for the purpose of unloading,) in front of any store, shop, or dwelling-house, in Superior-street west of the public square, so as to prevent any person on foot, on horseback, or in a carriage, from walking, riding or driving up to the side-walk, or railing, in front of such store, shop, or dwelling-house, under the penalty of two dollars for each offence.

§2. Every person bringing any waggon, cart, sleigh or ^{Wood carts, &c. how to stand.} sled, loaded with wood or hay for sale, into Superior-street,

west of the public square, in this city, shall take up a position in the middle of said street, and no two waggons, sleighs, or sleds, shall stand abreast, or along side of each other, in said street, under the penalty of two dollars for each offence.—Passed March 23, 1840.

To preserve Shade and Ornamental Trees within the streets and public grounds of the city of Cleveland.

Penalty for injuring shade trees.

§1. Be it ordained, &c. That if any person or persons shall wilfully injure any shade or ornamental trees, standing in the streets or public grounds of the city of Cleveland, they shall forfeit and pay the sum of ten dollars, and costs of prosecution.

Animals not to be fastened to shade trees.

§2. That no person or persons shall fasten any horse or other animal which could do injury to trees, to any shade or ornamental trees, or to the protections around the same, within said streets and public grounds; and if any person shall violate the provisions of this section, they shall forfeit and pay the penalty of one dollar, with the costs of prosecution.

§3. This Ordinance to take effect May 1, 1840.—Passed April 7, 1840.

To vacate Carroll Place, Clinton-street, and certain Alleys therein described.

Vacating Carroll Place, Clinton-st. and certain alleys

§1. Be it ordained, &c. That Carroll Place, Clinton-street, an alley twenty feet wide running from Erie-street to Clinton-street, parallel with St. Clair-street and 132 feet southerly therefrom, also an alley parallel with the one above described, twenty feet wide, and 132 feet south from Carroll Place, and also an alley twelve feet wide, running from the last mentioned alley to St. Clair-street, parallel with Erie-street and 120 feet east therefrom, as far as the same extends over any part of the Two Acre Lots Nos. 170, 171, 172, 173, 174, 175, 176 and 177, be and the same are hereby vacated.—Passed September 15, 1840.

For the continuation of Pittsburgh-street.

§1. Be it ordained, &c. That Pittsburgh-street be continued from its westerly termination to Huron-street; its width to be six rods, and its course north $58\frac{1}{2}$ degrees west, and the same is hereby declared a public highway.—Passed June 30, 1841.

In relation to Side-Walks on Superior-street.

§1. Be it ordained, &c. That no dry goods, buffalo skins, buffalo robes, leather, or any other article exposed for sale, shall be placed upon or hung up on the outer posts or railings of the side-walks on Superior-street, in said city, or upon the rails leading from the buildings to the outer rails on said side-walks.

§2. That any person or persons violating any of the provisions of this Ordinance, shall, upon conviction thereof before the mayor, be fined in any sum not less than five nor more than one hundred dollars, at the discretion of the mayor, together with costs of prosecution.—Passed October 3, 1841.

To repeal all Ordinances heretofore passed relating to Poll Taxes.

§1. Be it ordained, &c. That all Ordinances relating to Poll Taxes, and the amendments thereto, heretofore passed, be and the same are hereby repealed.

§2. And it shall be the duty of the street supervisor of this city, to discharge the duties assigned him according to the city charter, and laws of this state prescribing the duties of supervisors, relating to roads and highways and road taxes.—Passed April 25, 1842.

OF THE PREVENTION AND EXTINGUISHMENT OF F I R E S .

Of the Prevention of Fires.

- SEC. 1. Stove pipes, how to be put up.
 2. Hay, straw, &c. not to be put in exposed situations.
 3. No lighted lamp or candle to be used where hay or straw are kept.
 4. Hay, &c. not to be burnt in streets.
 5. Shavings, &c. to be moved from shops three times in each week.
 6. Combustible matter not to be scattered in streets.
 7. Fire Wardens to examine premises.
 8. Penalty for obstructing Fire Wardens.
 9. Powers and duties of Mayor and Councilmen as to boats containing powder.
 10. Fire not to be carried openly in streets.
 11. Ashes, how to be kept.
 12. Squibs, &c. not to be fired without permission.
 13. Cannon not to be fired without permission.
 14. Houses to have scuttles.
 15. Fire buckets to be kept by owners of houses.

Stove pipe to be
secured.

§1. Be it ordained, &c. That no pipe of any stove or Franklin shall be put up unless it be conducted into a chimney made of brick or stone, except in cases where the mayor, or any two aldermen, or councilmen, shall deem it equally safe if otherwise put up, to be certified under his or their hand; and any person putting up the pipe of any stove or Franklin contrary to this section, shall for every offence forfeit five dollars, and the further sum of one dollar for every twenty-four hours the same shall remain so put up after notice given by the mayor or fire warden.

Hay, straw, &c.
not to be kept in
exposed situa-
tions.

§2. No hay, straw, or other combustible substance, shall be deposited within fifteen feet of any place where fire or ashes are kept, unless the said combustible substance be

kept in a close and secure building, under the penalty of one dollar for every offence, and the like penalty for every twenty-four hours the same shall thereafter remain.

§3. No lighted candle or lamp shall be used in any stable, or other place or building where hay, straw, or other combustible materials shall be kept, unless the same shall be well secured in a lantern, under a penalty of two dollars for each offence. And no fire shall be used or kept in any stove or otherwise, in any such building, without permission from the mayor, under a penalty of ten dollars; and an additional penalty of five dollars for each and every twelve hours that said fire shall so remain.

Candles & lamps
not to be used
without lanterns.

§4. No hay, straw, chips, shavings, or other combustible substance, shall be set on fire or burned in any street, or on any lot within two hundred feet of any building, in the city, without permission of the mayor, an alderman, or a councilman, under the penalty of five dollars upon any person directing or causing the same to be done; and it is hereby made the special duty of the marshal and the general street commissioner to enforce the requirements of this section.

Combustibles not
to be burned in
streets.

§5. Every person keeping or occupying a shop wherein shavings or other combustible matter may be contained, shall, under the penalty of two dollars for every neglect, clean and remove the same out of such buildings and the yard belonging thereto, at least three times in each week; provided said buildings are situated within two hundred feet of any other building. And no lighted candle shall be used in any such shop or building, except it be placed in a candlestick of a material not liable to take fire, under the penalty of two dollars for every offence.

Joiners to clear
out shops.

§6. No person, in removing any chips, shavings, or other combustible matter, shall scatter or throw them in any street, or shall at any time direct, permit or suffer any chips, shavings, or other combustible matter, to be taken to, or thrown or scattered on any street or lane, under a penalty of two dollars for every offence.

Shavings, &c.
not to be scattered
in streets.

§7. It shall be the duty of the fire wardens, in their re-

Fire wardens to examine premises.

spective wards, to examine carefully, and at all times during the year, under the direction of the city council, every house, store, or building, and places for the keeping and deposit of ashes; and to ascertain and report to the city council all violations of the preceding sections; and also to remove or abate, with the consent of the mayor, or any alderman or councilman, (and in neglect or refusal of the owner or occupant,) any cause from which immediate danger of fire may be apprehended; and to cause all buildings, chimneys, stoves, stove pipes, hearths, ovens, boilers, ash-houses, and apparatus used in every building or manufactory, which shall be found in such condition as to be considered unsafe, to be, without delay, at the expense of the owner or occupant thereof, put in such condition as not to be dangerous in causing or promoting fires.

Penalty for obstructing fire wardens.

§8. If any person shall obstruct or hinder any warden in the performance of his duty under the preceding section, such person shall for every such offence forfeit the penalty of twenty-five dollars.

Gunpowder on boats.

§9. The mayor, any alderman, or a councilman, may give such directions as he may deem proper, relative to the laying, fastening, and berths of all boats having on board gunpowder, or being loaded with hay or other combustible materials; or to direct such gunpowder, hay, or other combustible matter, to be removed to a place of safety; or if gunpowder, to be placed in a powder-house, within such time and in such manner as either of said mayor, alderman or councilman, shall direct: and it shall be lawful for either the said councilman, alderman, or mayor, with the aid of the marshal, or any constable, to put in force, himself, the orders or directions so given. Every person who shall refuse or neglect to obey the directions or orders given under this section, shall for every offence forfeit twenty-five dollars.

Fire not to be carried in streets.

§10. No person shall carry fire in or through any street or lot, except the same be placed or carried in some close and secure pan or other vessel, under the penalty of one dollar for each offence.

§11. No ashes, (except at the manufactories where ashes ^{Ashes, how to be kept.} are used,) shall be kept or deposited in any part of the city, unless the same be in a close and secure metallic or earthen vessel, or brick or stone ash-room, under the penalty of three dollars for every offence, and a further penalty of one dollar for every twenty-four hours the same shall thereafter remain.

§12. No person shall fire or set off any squib, cracker, ^{Repealed, see amendment.} gunpowder, or fire-works, or fire any gun or pistol, in any part of the city, unless by permission of the mayor, or two aldermen and councilmen, under the penalty of two dollars for each offence.

§13. Every person firing a cannon within the city, unless ^{Cannon not to be fired.} by permission of the mayor, two aldermen, or councilmen, shall forfeit the penalty of not less than five dollars.

§14. Every dwelling-house, or other building more than ^{Buildings to have scuttles.} one story in height, within the city, shall have a scuttle through the roof, and a convenient stairway or ladder to the same : and any person constructing such dwelling-house, or other building, without having such a scuttle, and every owner of any such house or building now erected, (not having other permanent and convenient means of access to the roof,) neglecting to comply with the requisitions of this section for the space of thirty days after notice, shall forfeit twenty-five dollars, and the further sum of five dollars for every ten days the non-compliance shall continue to exist.

§15. Every dwelling-house, or other building containing ^{Every building to have fire buckets.} one fire place or stove, shall have one good painted leather fire bucket, with the initials of the owner's name painted thereon. Every building with two or more fire places or stoves, shall have two such buckets, and one additional bucket for every two additional fire places or stoves. Every owner of such building not provided with buckets as aforesaid, shall forfeit two dollars for each deficient bucket, and the further sum of one dollar for each month after notice being given by a fire warden.—Passed May 7, 1836.

*To Amend an Ordinance for the Prevention of Fires, passed
May 7, 1836.*

Squibs, crackers,
guns, pistols, &c.
not to be fired
without permis-
sion.

§1. Be it ordained &c. That no person shall fire or set off any squib, cracker, gunpowder or fire works, or fire any gun or pistol in any part of the city within the old corporation limits, unless by permission of the mayor, or two aldermen, or councilmen, under the penalty of four dollars for each offence—the complainant to have one fourth of the fine.

12th section re-
pealed.

§2. The twelfth section of the Ordinance, to which this is an amendment, is hereby repealed, saving all penalties that have accrued to the city under the same.—Passed June 13, 1836.

*To amend an Ordinance for the Prevention of Fires, passed
May 7, 1836.*

Stove pipe to be
secured.

§1. Be it ordained &c. That no pipe of any stove or Franklin, shall be put up, unless it be conducted into a chimney made of stone or brick, except in cases where the mayor, or any two aldermen or councilmen, shall certify the same to be equally safe against fire: and any person putting up the pipe of any stove contrary to this section, or the owner or occupant who shall suffer any pipe to remain put up contrary to this section, shall forfeit the penalty of five dollars, and the further sum of one dollar for each twenty-four hours the same shall remain so put up, after notice given by the mayor or a fire warden.

Duties of fire
wardens.

§2. That when any fire warden, in the performance of his duty by virtue of the seventh section of the Ordinance to which this is an amendment, shall deem any building, chimney, stove, stove pipe, hearth, oven, boiler, ash-house, or apparatus used or suffered to be used in any building or manufactory, unsafe, and shall direct any thing to render the same more safe against fire, the owner or occupant thereof shall comply with such order or direction of the warden,

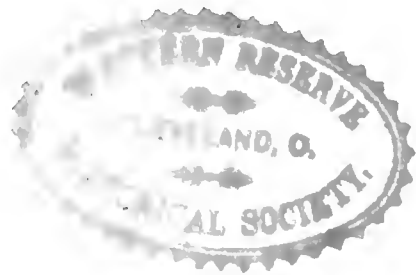
with as little delay as the nature of the case will admit, and in default thereof forfeit and pay not less than five nor more than fifty dollars, with the costs of suit.

§3. Every dwelling-house, or other building containing one fire place or stove, shall have one good painted fire bucket, with the owner's name painted thereon, to contain two and a half gallons; and every building containing four fire places or stoves, shall have two such buckets, and for every six additional fire places or stoves, one bucket. Every owner of such building, not provided with buckets as aforesaid, in case such owner is a resident of the city, or if not a resident, then the occupant of such building, shall forfeit two dollars for each bucket.

Dwellings, &c. to have fire buckets.

§4. Every owner of a dwelling-house shall forthwith erect or procure, a close, secure, metallic or earthen vessel, or brick or stone ash-room, and on failure thereof shall forfeit the penalty of three dollars, and a further penalty of one dollar for every twenty-four hours the same shall be neglected or omitted after notice has been given by a fire warden.—Passed November 30, 1836.


Ashes, how to be kept.



OF THE EXTINGUISHMENT OF FIRES.

To Regulate the Fire Department.

- SEC. 1. Who to compose Fire Department.
2. Chief Engineer to report to Common Council.
 3. Assistant Engineers, and their rank.
 4. Fire Wardens, their duties at fires.
 5. Firemen to be divided into Companies.
 6. Firemen to be under Foreman and Assistant.
 7. Apparatus to be kept ready for use.
 8. Penalty for neglecting to attend meetings.
 9. Penalty for not attending at fires and obeying orders.
 10. Sextons of churches to ring bells.
 11. Engines not to be used for private purposes.
 12. Firemen to wear caps of certain descriptions.
 13. Hook and Ladder men.
 14. Buildings may be cut down in certain cases.
 15. Hooks and Ladders, how to be kept.
 16. Foremen to attend at fires in all cases.
 17. Hosemen to attend at fires.
 18. Duties of Hosemen.
 19. Duties of Hosemen continued.
 20. Badges of Mayor, Aldermen and Councilmen at fires.
 21. Badge of Chief Engineer.
 22. Badges of Assistant Engineers.
 23. Badges of Fire Wardens.
 24. Foremen, how to be distinguished.
 25. Foremen of Hook and Ladder Companies.
 26. Assistants, how distinguished.
 27. Chief Engineer to report delinquents.
 28. Duties of Constables at fires.
 29. Duties of Citizens at fires.
 30. Citizens to aid in drawing Engines.
 31. Penalty for refusing.
 32. Penalty for injuring apparatus.



Fire Department

§1. Be it ordained, &c. That the Fire Department of the city of Cleveland, shall consist of a chief engineer, two assistant engineers, ten fire wardens, in addition to the aldermen and councilmen, (who are ex-officio fire wardens,) and such fire engine men, hose men, hook and ladder and axe men, as are or may from time to time be appointed by the city council.

Chief Engineer's
duty at fires.

§2. The chief engineer, or in his absence the assistant engineers, shall, in all cases of fire, have the sole and absolute



control over all the engineers, and other persons of the fire department; and it shall moreover be the duty of the chief engineer to report semi-annually to the city council, at their first meeting after the first day of May and October in each year, the condition of the reservoirs, engines, hose, hooks and ladders, and all other fire apparatus, and the buildings in which they are kept; and also to recommend such additions, alterations, and improvements in the same, as he may deem expedient; and also the names of such firemen as have disobeyed orders, or neglected or refused to attend to their duty, and the names of persons recommended by the respective companies to fill vacancies. And whenever the engines or other fire apparatus shall want repairs, he shall, with the committee on the fire department, cause the same to be done immediately.

Chief Engineer's
duty at fires.

§3. The assistant engineers shall be distinguished as engineers numbers one and two, and they shall assist the chief engineer, and obey his orders for the extinguishing of fires, and in the absence of the chief engineer, take command according to rank.

Assistant Engi-
neers.

FIRE WARDENS.

§4. Every fire warden (except those ex-officio fire wardens,) shall be assigned and attached by the mayor to such company of firemen having charge of a fire engine, as he shall think proper, and at every fire each warden shall report himself to the chief engineer, and be subject to the direction of the chief engineer and other engineers of the fire department; and it shall be the duty of said fire wardens, immediately on the alarm of fire, to repair to the place of the fire, and aid and assist in procuring supplies of water to such engines as the chief engineer or other engineers may direct. It shall be the duty of the said wardens to prevent the hose from being trodden on, and keep all idle and suspected persons from the vicinity of the fire. They shall also cause the bye-standers to form ranks for the conveyance of water, if requisite, and the citizens are

Fire Wardens.

hereby enjoined to comply with the orders and directions of said wardens.

FIRE COMPANIES.

Fire companies. §5. The firemen shall be divided into companies, to consist of as many members as the city council shall from time to time direct, to attend to the fire engines, hose cars, hooks and ladders, axes, saws, and other fire apparatus belonging to the city of Cleveland; and each of the companies shall on the first Monday of May in each year, choose from their own number, a foreman, assistant foreman, treasurer and clerk, in such manner as they may think proper.

How manage. §6. The different fire companies shall be under the direction and control of the foreman and assistant, and upon an alarm of fire, the said companies shall immediately repair to the place of the fire with the engines, hose, hooks and ladders, and other implements under their care, and there work and manage the same, under the direction of the chief engineer and his assistants; and in case of their absence, place and work their engines and fire apparatus in the most effectual manner, until the fire shall be extinguished, and shall not remove therefrom, but by permission of an engineer, and on such permission, they shall return their respective engines, hose cars, hooks and ladders and apparatus, well washed and cleansed, to their respective places of deposite.

**Fire apparatus,
how kept.** §7. The foreman, or person having charge of engines, or other apparatus, shall have the same kept in the best order for immediate use: And for the more effectual perfecting the firemen in their duty, and keeping and preserving the said engines and other implements and apparatus from decay, the said firemen shall, on the first Tuesday of each month, meet at their respective engine houses, and on the first Tuesday of May, June, July, August, September, October and November, draw out their fire engines, and other implements committed to their care, in order to work and cleanse them, and to exercise the men; and every foreman

neglecting his duty under this section shall forfeit for each offence the penalty of three dollars.

§8. If any fireman shall neglect or refuse to attend at any meeting of his company for exercising the men, or cleaning the engine or other fire apparatus, to which he is attached, he shall forfeit and pay for every such default, the penalty of fifty cents, unless he be exonerated therefrom by the vote of two-thirds of the company.

Firemen to attend to duty.

§9. If any fireman shall neglect to attend at fires without sufficient excuse, or shall refuse or neglect to do his duty in working his engine, or other fire apparatus provided for extinguishing fires, or shall disobey the orders of the chief engineer, or assistant engineer, or foreman or assistant foreman of companies, or shall leave his engine or other fire apparatus while at a fire, without permission from the acting foreman, he shall forfeit and pay for every default, the penalty of one dollar, and be subject to be expelled from the fire department.

Firemen to attend fires.

§10. The sextons of the several churches which now are, or hereafter may be furnished with bells, shall immediately, on the alarm of fire, repair to the several churches with which they are connected, and diligently ring the bells of said churches, during twenty minutes, and in such manner as directed by the chief engineer, unless the fire be sooner extinguished, under the penalty of two dollars for every such omission.

Sextons to ring bells.

§11. If any person, having charge of an engine, or other fire apparatus, shall suffer or permit the same to be applied to private uses, without the consent of the mayor, chief engineer, or the city council, he shall forfeit the penalty of five dollars, besides being responsible for all damages.

Engines, &c. not to be used for private purposes.

§12. Every fireman, (not an officer,) attached to a fire engine, when on duty, shall wear such uniform as shall be required by the bye-laws of the company to which he may belong.

Firemen to wear uniform.

HOOK AND LADDER AND AXE MEN.

Hooks and Ladders.

§13. A sufficient number of persons shall be selected by the city council from among the firemen, to take the care and management of the hooks and ladders, axes and saws, as part of the tools and implements for extinguishing fires, and they shall be under the direction of a foreman and assistant foreman, and they shall be exempt from penalties for not attending to the cleansing or working of the engines.

Duties of Hook and Ladder and Axe men at fires.

§14. At fires, the said hook and ladder and axe men shall regularly attend with their tools and implements, and there be under the direction of the chief engineer and his assistants, and by the direction of the mayor, and the city council, or any three members thereof, cut down and remove any building, erection or fence for the purpose of checking the progress of the fire.

Hooks and Ladders to be kept safe.

§15. The said hooks and ladders, axes and saws, shall be kept in some safe and convenient place, to be designated by the city council; and the foreman or assistant foreman, shall, at least once a month, examine their state and condition, and shall cause them to be kept in a perfect state of readiness for use.

Foreman's duty.

§16. At every fire the foreman, or in his absence the assistant foreman, of each fire company, shall note the names of the absent members, and report the same to the chief engineer, and in default thereof shall forfeit and pay the penalty of three dollars.

FIRE HOSEMEN.

Hose Cars, men to take charge of.

§17. A sufficient number of men shall be selected by the chief engineer, from the several engine companies, whose duty it shall be to convey the extra fire hose to every fire, and there distribute the same as may be required by the foreman or assistant foreman of the respective engine companies.

Duties of Hose men.

§18. On arriving at the fire with the hose, two men shall remain at the hose car, the other hose men will repair to the fire engines to which they respectively belong.

Foreman and Assistant to Hose Company.

§19. It shall be the special duty of the hose men thus selected, to choose from among themselves a foreman and as-

sistant foreman, who shall superintend the conveyance of the hose to and from fires, and to keep the same at all times in perfect readiness for use.

BADGES OF OFFICERS AT FIRES.

§20. The mayor, aldermen, and councilmen, shall severally bear a staff with a gilded flame at the top, and not be required to bear any other badge of office. Officers to carry staffs of office.

§21. The chief engineer shall wear a leathern cap, painted white with a gilded front, and the words "Chief Engineer" painted thereon in black; and shall also carry a bright speaking trumpet with the words "Chief Engineer" painted thereon. Chief Engineer's badge.

§22. The assistant engineers shall wear leathern caps, painted white, except the combs, which shall be black, with a gilded front, and the words "Engineer No. 1," and "Engineer No. 2," painted thereon in black; they shall also carry a speaking trumpet, painted black, and the words "Engineer No. 1," and "Engineer No. 2," painted thereon in white. Assistant's badge

§23. The fire wardens shall severally wear a hat with the brim black, the crown painted white, and the word "Warden" painted in front in black; and shall also carry a white speaking trumpet with the word "Warden" painted thereon in black; and it shall be the duty of said wardens to meet with their respective companies at their monthly meetings from May to November inclusive. Fire Warden's hat.

§24. The foreman of each engine company shall wear a cap painted black, with a white front, and the word "Foreman" and the initials of his name and the number of the company to which he belongs, painted thereon in black. Foreman's cap.

§25. The foremen of each of the hook and ladder companies, shall wear a cap painted black, with a white front, and the word "Foreman," and the initials of his name, and the number of the company to which he belongs, and the hook and ladder, painted thereon in black. Foreman of hook and ladder company's cap.

§26. The assistant to each respective company shall wear Assistant's cap.

a cap, painted in the same manner as that of the foreman of the company, with the word "Assistant" in lieu of the word foreman.

Chief Engineer
to report to city
council for neg-
lect of duty.

§27. It shall be the duty of the chief engineer to report to the city council the name of every person who shall neglect or refuse to comply with the foregoing requisitions, which said person shall thereupon be subject to be removed from the fire department.

CONSTABLES AT FIRES.

Constables' and
Marshal's duties
at fires.

§28. The marshal and every constable shall repair, immediately on the alarm of fire, with his staff of office, to the place where the fire may be, and there report himself, and remain subject to the direction of the mayor, or any alderman or councilman, for the preservation of the public peace, and for the removal of all idle and suspected persons, or others, not actually or usefully employed in aiding to extinguish such fire, or in the preservation of property in the vicinity thereof.

CITIZENS AND INHABITANTS.

People at fires to
obey orders, &c.

§29. Every person who may repair to a fire shall be obedient to the orders of the mayor, aldermen, councilmen, fire wardens, the chief engineer, and assistant engineers, in the extinguishing of fires and in the removal of property; and in case any person shall refuse to obey such orders, he shall forfeit the penalty of five dollars, and be subject to imprisonment forthwith. The citizens and inhabitants shall also, respectively, if the fire happens at night, place a lighted candle or lamp at the front door or window of their dwellings, to remain there during the night, unless the fire be sooner extinguished, under the penalty of two dollars.

Penalty for dis-
obedience.

Citizens to aid in
drawing engines.

§30. It shall be lawful for the foreman or assistant foreman of any fire engine, or other fire company, or for the mayor, aldermen, or councilmen, chief engineer or assistants, to require the aid of any citizen or inhabitant, in drawing any engine, or other apparatus, to the fire, or near about the fire, or in working any engine at the fire, and on neglect

or refusal to comply with such requisition, the offender shall Penalty for refusing. pay a penalty of five dollars.

§31. Every person wilfully offering any hindrance to any Penalty for hindering firemen in the performance of their duties. fireman in the performance of his duty at a fire, shall be subject to a penalty of twenty-five dollars for each offence.

§32. If any person shall wilfully injure, in any manner, Penalty for injuring fire apparatus. any hose, fire engine, or other fire apparatus, belonging to the city, the offender shall for every such offence forfeit and pay the penalty of twenty-five dollars, besides being liable to an action for the recovery of the damage done.—Passed May 7, 1836.

To amend the fifth section of an "Ordinance to regulate the Fire Department."

§1. Be it ordained, &c. That the firemen shall be divided into companies, to consist of as many members as the Council to divide fire companies and designate number of firemen. city council may from time to time direct, to attend to the fire engines, hose cars, hooks and ladders, axes, saws, and other fire apparatus, belonging to the city of Cleveland; and each of the companies shall, on the first Tuesday in June, in each year, choose from their number a foreman, assistant foreman, treasurer and clerk, in such manner as they may think proper.—Passed April 1, 1837.

For the appointment of a Chief Engineer and a First and Second Assistant Engineer, of the Fire Department.

§1. Be it ordained, &c. That the several fire companies comprising the fire department of the city of Cleveland, shall, on the first Monday in June, (or within twenty days When and how Chief and Assistant Engineers to be chosen. thereafter,) after the present year, meet in joint convention, and proceed by ballot to the nomination of a chief engineer, and of first and second assistant engineers, a plurality of votes being necessary to a nomination, which nomination shall be forthwith communicated by a statement of the votes to the city council, by the officers of said convention, and

at the next meeting of the city council after the receipt of the nomination, the council shall proceed to appoint a chief engineer and first and second assistant engineers, and the persons thus elected shall hold their offices for the period of one year from the said first Monday in June, and until their successors are appointed as aforesaid.

City Clerk to give
one week's notice

§2. It shall be the duty of the city clerk, annually, to give one week's notice, by advertisement, posted up in the most public places of the city, of the time and place of meeting of said convention, for the purposes aforesaid, provided that the meeting of said fire companies, for the nomination of said officers for the year ensuing, shall take place at the court-house, in the city of Cleveland, on Monday, the seventh day of August instant, at seven o'clock P. M., or within twenty days thereafter; and it shall be the duty of the city clerk to give notice of the same by advertisement posted up as aforesaid.—Passed August 2, 1837.

To amend the Ordinance regulating the Fire Department.

Chief Engineer
to form Hose
Company.

§1. Be it ordained, &c. That it shall be competent for the chief engineer to form one hose company from citizens other than those belonging to the existing fire department, and that so much of the seventeenth and eighteenth sections of the ordinance regulating the fire department as is inconsistent with the provisions of this ordinance, be and the same is hereby repealed.—Passed Dec. 20, 1837.

To regulate the Fire Department, amendatory to an Ordinance passed May 7, 1836.

First and Second
Assistant Engi-
neers to act in
absence of Chief
Engineer.

§1. Be it ordained, &c. That when the office of chief engineer becomes vacant, by death or resignation, or in case of the absence or inability of the chief engineer, the duties of said office shall devolve on the first assistant engineer, and in the absence of the first assistant engineer on the second assistant engineer, until a chief engineer is appointed;

and during the absence of the chief engineer at any time, the duties of his office shall be performed by the first assistant engineer, or in his absence by the second assistant engineer.—Passed August 4, 1841.

PAY OF FIRE DEPARTMENT, &c.

To amend an Ordinance to regulate the Fire Department, passed May 7, 1836, and also amendatory to an Ordinance to amend an Ordinance concerning the protection of property at fires, passed May 7, 1836.

SEC. 1. Chief Engineer's salary.

2. Parades to be monthly, except in winter, and Chief Engineer to certify to all bills over \$10.
3. Chief Engineer to certify to the Council the amount of mouthly expenditures, &c.
4. Firemen allowed \$1 00 per day for each parade.
5. Mutual Protection Society repealed.
6. Repeal of all Ordinances conflicting with this.

§1. Be it ordained, &c. That the chief engineer shall be entitled to receive the sum of one hundred and fifty dollars per year for his services.

Salary of Chief Engineer.

§2. It shall be the duty of the chief engineer to direct at all fires such measures as he may deem most effectual for their extinguishment. He shall have authority, and it is hereby made his duty, to call out all the companies attached to the department, for discipline, once in every month, (except in the winter.) He shall have sole and absolute control over all persons attached to the department at such meetings for discipline, as well as at all fires. He shall attend personally to all repairs needed for the department, and shall see that the engines, hose carriages, hooks and ladders, and all the apparatus belonging to the department, is kept at all times in good working order, provided, always, that where an expenditure is required of more than ten dollars he shall first report the amount and for what the expenditure is required, to the city council, and shall

Parade of companies to be monthly.

Chief Engineer to certify to all sums over \$10.

act under their instructions. It shall also be his duty to see that the public reservoirs are kept full of water.

Chief Engineer
to certify to coun-
cil monthly.

§3. The chief engineer shall report to the city council, once in every month, the amount of money expended by him for repairs, the amount required to be expended, the number of members attached to each company, the condition of the engine houses and the department generally; and also to recommend such additions or alterations to the existing ordinances, as in his opinion the interests of the city may require.

Pay of firemen to
be \$1.00 for each
parade.

§4. Every member of the fire department other than the chief engineer, shall be entitled to and receive one dollar per day for each and every day he shall attend for the purpose of working and exercising the engines.

Repeal.

§5. The second section of an ordinance passed May 17, 1837, constituting the mutual protecting society a part of the fire department, with equal rights and privileges with the firemen composing the fire companies, be and the same is hereby repealed.

§6. So much of all laws and ordinances as are contrary to this ordinance, be and the same are hereby repealed.—
Passed June 29, 1840.

Accepting a Trust for the Firemen's Department.

Firemen's fund
to be received by
council.

§1. Be it ordained, &c. That the city council will accept and receive, from any person or persons, any deed or deeds of land for the use of the Firemen's Fund Department of said city, and hold the same for such length of time as may be desirable; and the said city council will convey and dispose of the same in such manner as the directors of the firemen's fund shall direct and determine, according to such rules as said directors may have prescribed to themselves for conducting their proceedings, Provided, that said firemen's fund department shall pay all taxes and assessments which may be levied on such land, and shall also defray all expenses which may accrue in relation to the same.

Proviso.

§2. That said city council will receive and accept any bond or bonds, or other writings, which may be executed and made payable to said city, for the use of said firemen's fund department, and will hold and dispose of the same according to the orders and directions of the directors of the firemen's fund, and as they shall order and determine.

§3. That a written certificate, signed by the president and secretary, cashier or chief clerk of said firemen's fund, specifying the wishes and orders of the directors of said firemen's fund, shall be a sufficient voucher to warrant the city council in making a disposition of any of the aforesaid lands, bonds or writings.—Passed September 26, 1838.

Council to dispose of fund on order of firemen.

What voucher necessary for council to dispose of fund.

To prevent the erection of Wooden Buildings within the limits therein prescribed.

§1. Be it ordained, &c. That no person shall erect or place any building, or part of building, upon or within one hundred and fifty feet of that part of Superior-street which lies west of the public square, unless such building, or part of building, be constructed of brick or stone, with paring or fire walls rising at least ten inches above the roof. And if any building, or part of building, not constructed of stone or brick, as aforesaid, shall be erected or placed within the aforesaid limits, (except as hereinafter provided,) the owner or owners, builder or builders thereof, shall severally forfeit and pay for every such offence the penalty of one hundred dollars, and the further penalty of fifty dollars for each and every week any building, or part of building, so prohibited as aforesaid, shall be continued within said prescribed limits. But nothing herein contained shall prevent the erection, within said limits, of any building of wood not more than eight feet square, nor of any wood-house for the keeping of fire wood, not exceeding twenty-four feet in length, and twelve feet in height from the common surface of the ground to the top of the plates;

Wooden buildings not to be erected within 100 feet of Superior street.

and provided also, that all penalties and rights in favor of the city, which have accrued under the village ordinances on the same subject, are hereby expressly saved and reserved.—Passed May 11, 1836.

WEIGHING OF HAY, &c.

To Regulate the Weighing of Hay and other articles.

- SEC. 1. Hay, rags, &c. not to be sold without weighing.
2. Duty of Weigher of Hay.
 3. Fees of Weigher on weighing articles.
 4. Penalty upon seller for selling without weighing.
 5. Penalty upon Weigher for neglect of duty.
 6. All actions for violation of this Ordinance to be brought within 6 months.

Hay to be sold by weight.

§1. Be it ordained, &c. That there is hereby created the office of weigher in the city of Cleveland, whose duty it is hereby ordained to be to weigh hay, rags, and any other article or articles laden upon any vehicle or vehicles ordinarily used for the transporting the same, and in a suitable situation for weighing.

Duty of weighers.

§2. That said weigher shall, at all reasonable business hours, weigh any load or loads of the description aforesaid, presented for weighing at the usual place provided for weighing in said city, and shall give the person presenting such load or loads to be weighed a certificate stating the gross weight of each load and vehicle respectively, and upon the return of the vehicle after the load shall have been removed from it, said weigher shall weigh the same and deduct the weight thereof from the gross weight specified in said certificate, and show the nett weight of each and every load required to be weighed as aforesaid.

Fees.

§3. That the applicant shall pay the weigher twenty-five cents for each and every load which shall be weighed by him in gross as aforesaid, and the weigher shall not be entitled to any further fees for weighing the vehicle and ascertaining the nett weight of any load weighed as aforesaid.

§4. That if any person shall sell or offer for sale any hay within said city, without causing the same to be weighed and the weight ascertained by the weigher of said city, every person so offending shall forfeit and pay the sum of ten dollars, to be recovered by action of debt in the name of the city of Cleveland, before the mayor of said city, one-half thereof for the use of said city, and the other half for the use of the weigher of said city in office at the time of commencing the prosecution: Provided, That nothing herein contained shall be so construed to prevent the delivery of any hay within the city to any person or persons who may have purchased the same before such hay shall have been brought within the bounds of the city.

Penalty for selling without weighing.

Proviso.

§5. The city weigher shall weigh the several loads presented for weighing in the order the same shall be presented, and shall use all diligence in weighing the same; and if the said weigher shall neglect or refuse to weigh any load or loads of articles suitable for weighing as aforesaid, for an unreasonable length of time after its turn in regular order, or shall give a false weight of the same, the said weigher shall forfeit and pay the sum of fifty dollars for each and every such offence, one half thereof for the use of the city and the other half to the use of the informer, and such weigher shall moreover be liable to the party injured in an action on the case.

Penalty for neglect of duty of weigher.

§6. That all actions for any forfeiture incurred under this ordinance shall be prosecuted within six months from the time such forfeiture shall have been incurred.

Limitation of action.

This ordinance shall take effect from and after the 15th day of May, 1839, and all former ordinances coming within the purview of this ordinance are hereby abrogated and repealed.—Passed May 8, 1839.

AMENDMENT.

Sec. 1. Fourth and fifth sections of the foregoing repealed.

§1. Be it ordained, &c. That hereafter it shall be lawful

4th and 5th sections repealed.

for the mayor to exercise his discretion, according to the circumstances of the case, in affixing the fine for any violation of the provisions of the fourth and fifth sections of the ordinance to which this is an amendment, in any sum not less than five dollars, nor more than is specified in said section, to be recovered, one half for the use of the city, and the other half for the use of the informer; and so much of said 4th and 5th sections as are inconsistent with the provisions of this ordinance, be and the same are hereby repealed.—
Passed January 29, 1840.

PUBLIC CEMETERY.

In relation to the Public Burying Ground, and the Duties of Sexton.

- Sec. 1. Boundaries and size of Cemetery Lot,
- 2. Price and size of Lots.
- 3. Office of Sexton to be filled by appointment of the Council.
- 4. Duties of Sexton, his fees, and depth of grave.
- 5. Penalty for building beyond limits of each Lot.
- 6. Sexton to have general supervision of Cemetery.

Size of Lots.

§1. Be it ordained, &c. That the city clerk procure, at the expense of the city, and as soon as practicable, an accurate survey into small lots of that part of the public Burying Ground, which still remains vacant, in such manner, that after establishing the requisite number of broad alleys corresponding with the occupied portion of said ground, the parallel ranges north and south shall be four feet distant from each other, and each range allotted to the dead shall be eight feet in depth, and be so divided into small burial lots by parallel lines east and west as to contain not less than four, nor more than sixteen feet front on the open space intervening between the said ranges; and each lot, when so surveyed, shall be designated by a permanent stake or stone, and a plat of the entire Burying Ground

made out, and the number of feet front each lot contains shall be noted therein, and also the number of the lot, beginning at the north-west corner of the vacant ground in the first range and numbering to the south; and the surveyor shall re-survey and number the lots of the occupied ground in like manner as nearly as practicable, and the said plat shall be recorded by the clerk in the records of the city, and deposited in the office of the city sexton.

§2. Any person or family residents of the city, shall have the privilege of selecting a burial lot, on paying a premium of ten dollars into the city treasury on each lot of sixteen feet front, and a proportionate sum on all lots of less dimensions; and such lot when so selected shall be appropriated exclusively to the use of such persons or family, but no one person or family shall be entitled to select more than one lot; and such person or family may make such ornamental improvements on such lot as their taste may dictate, and not inconsistent with the provisions of this ordinance. See amendment.

§3. That the office of sexton for the city of Cleveland shall be filled by appointment of the city council; and the sexton shall hold his office for the term of one year (unless removed for good cause,) and until his successor shall be appointed. Office of Sexton,
how filled.

§4. It shall be the duty of the sexton promptly to dig graves whenever requested personally, or by written notice left at his office; and he shall be present, or some suitable person for him, and discharge the appropriate business of his office at the ceremony of the interment of every deceased person; and for his services in each case of a deceased person less than five years of age, the sexton shall be entitled to demand and receive a fee of one dollar, and in all other cases a fee of two dollars; and it shall be the further duty of the sexton to keep a book of records, in which he shall enter in separate columns the names of all deceased persons whom he may bury, together with the date, number of lot, and number of the grave in said lot, Duties of Sexton.

Fees.

To keep record.

numbering from north to south ; and all graves for deceased persons under five years of age shall be four feet deep, and all other graves shall be five feet deep.

Fence, &c. not
to occupy more
than lot.

§5. It shall be unlawful for any person to erect or continue any fence, paling or monument, or other improvement in any burial lot in such manner as to occupy more than eight feet in depth east and west, or on any more ground than is contained within the lines of such burial lot ; and any person who shall violate the provisions of this section shall, on conviction thereof before the mayor, pay a fine of not less than two nor more than twenty dollars.

Powers of Sexton.

§6. The sexton shall have general supervision of the burying ground, and shall take all necessary measures to prevent horses, cattle, hogs, or other animals, from running at large within the limits of said burying ground ; and it shall be his duty to notice all violations of this ordinance coming to his knowledge, and make complaints thereof before the mayor, and all fines and premiums for burial lots which shall be paid into the treasury by virtue of this ordinance, shall be appropriated to the improvement of the said burying ground, by setting out of trees, and such other ornamental improvements as the council may direct.—Passed July 17, 1839.

AMENDMENT.

Size of Lots defined.

§1. Be it ordained, &c. That in the survey on the north side of the centre alley of the burying ground, the parallel ranges north and south shall be alternately four and eight feet distant from each other, and that each lot for the dead shall contain not less than four nor more than twenty-four feet front.

Price of Lots.

§2. That any person or family, residents of the city, shall have the privilege of selecting a burial lot on paying a premium of fifteen dollars into the city treasury on lots of the largest size, and on lots of the sixteen feet front, ten dollars, and a proportionate sum on all lots of less dimensions.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance, be and the same are hereby repealed.—Passed November 13, 1839.

To amend an Ordinance Regulating the Cemetery passed May 17, 1839.

§1. Be it ordained, &c. That all Cemetery lots heretofore or hereafter selected, agreeable to the provisions of the ordinance of said city, shall be paid for within thirty days from the passage of this ordinance, or from the time the same shall hereafter be selected, and if the same shall remain for a longer time unpaid, the person or persons selecting such lot or lots shall forfeit all claims to the same. Forfeiture of lots if unpaid.

§2. That if any lot or lots shall remain unpaid for a longer time than mentioned in the first section of this ordinance, and any person or persons have been buried on said lot or lots, it shall be the duty of the city sexton to notify the friends of such deceased person or persons, or the person who applied to him to bury the deceased, and if the friends or the person so applying as aforesaid shall neglect to pay for said lot or lots for the period of ten days, it shall be the duty of said city sexton to remove the deceased so buried as aforesaid, and inter the same on the public lots, and again offer such lot so selected as aforesaid for sale. Duty of Sexton to remove bodies.

§3. That so much of the ordinance passed July 17, 1839, and all amendments thereto, inconsistent with the provisions of this ordinance, be and the same is hereby repealed.—Passed June 19, 1841. Repeal.

WEIGHTS AND MEASURES.

Regulating Weights and Measures.

Sec. 1. Weights and Measures to be sealed and marked.

2. Weights, &c., to conform to state standard.

3. Sealer to inspect Weights annually.

4. Fees of Sealer.

5. Inspection not to be oftener than once a year.

6. To keep Register, and report.

Weights, &c. to
be sealed.

§1. Be it ordained, &c. That every person engaged in the buying or selling of goods, wares and merchandize, using weights, measures, scale-beams, or steelyards, in weighing or measuring any articles intended to be purchased or sold in said city, shall cause such weights, measures, scale-beams or steelyards, to be sealed and marked, by the sealer of weights and measures for said city; and if any person shall use any weights, measures, scale-beams or steelyards, for weighing or measuring any article for purchase or sale in said city not so sealed and marked, as aforesaid, he shall forfeit a penalty of five dollars for each offence.

Standard, (see
amendment.)

§2. All weights, measures, scale-beams and steelyards, sealed and adjusted by the said sealer, shall be made conformable to the standard of this State and shall be marked with such devices as the council may direct.

Sealer to inspect.

§3. It shall be the duty of said sealer, and he is hereby authorised to inspect and examine, at least once in every six months, all weights, measures, scale-beams and steelyards, used in said city for measuring and weighing as aforesaid, and if any person shall refuse to exhibit any such weights, measures, scale-beams or steelyards, to the said sealer, for the purpose of examination and inspection as aforesaid, such person shall forfeit the penalty of five dollars for each offence; and if any person shall obstruct the said sealer in the performance of the duties hereby imposed upon him, such person shall forfeit the penalty of ten dollars for every such offence.

§4. The said sealer shall be entitled to receive the same Fees.
 fees as county sealers, as provided for in the State law.—
 All weights, measures, scale-beams and steelyards as
 aforesaid, shall be inspected at the several places where
 the same are used; but if they be found not conformable
 to the standard of this State, they shall be sent by the owner
 thereof to such place in the city as the sealer shall di-
 rect, for the purpose of being sealed and adjusted within
 three days after the owner thereof shall be required so to
 do by the sealer, under the penalty of ten dollars for each
 offence.

§5. It shall not be lawful for the said sealer to inspect Inspect not often-
er than once in
six months.
 or examine the weights, measures, scale-beams and steel-
 yards as aforesaid, more than once in six months, unless
 the same shall be found not conformable to the standard of
 this state.

§6. That it shall be the duty of the said sealer to make To keep register
and report.
 a regular register of all the weights, measures, scale-beams
 and steelyards inspected by him, in which he shall state
 the names of the owners of the same, and whether they
 are conformable to the standard of this State; and it shall
 also be his duty to report to the city council the names of
 all persons whose weights, measures, scale-beams or steel-
 yards are incorrect, and to deliver a copy of his said regis-
 ter to the clerk of the city.

This act to take effect from and after the first day of Ju-
 ly next.—Passed May 14, 1836.

AMENDMENT.

§1. Be it ordained, &c. That the United States govern- U. States' stand-
ard for weights.
 ment standard of weight, with their sub-divisions, shall be the
 standard by which all gross articles shall be sold in the city
 of Cleveland, such as are usually sold by weights; the
 Winchester bushel containing $2,150\frac{2}{5}$ cubic inches, with its Winchester
bushel for dry
measure.
 sub-divisions, shall be the standard by which all articles usu-
 ally sold by dry measure shall be bought and sold; the

Liquid measure. wine gallon, consisting of 231 cubic inches, shall be the standard by which all fluids usually sold by that measure shall be bought and sold; the yard measure shall be 36 inches in length, as declared by the Columbia College in New-York.

New York stand-
ard for lineal
measure.

Repeal §2. That so much of the ordinance passed May 14, 1836, as implies that the standard of weights and measures of this city shall conform to the standard of the state of Ohio, be and the same is hereby repealed.—Passed October 23, 1839.

CITY WATCH.

To authorise a City Volunteer Night Watch.

Sec. 1. Power of Mayor to organize City Watch.

2. Power of Watchmen.

Mayor to provide
watch.

§1. Be it ordained, &c. That hereafter the mayor shall have authority to receive into the service of the city such volunteer night watch companies as may choose to organise, and to provide for them a convenient room or place of meeting, with necessary fuel and lights, at the expense of the city.

Powers of watch-
men.

§2. That every watchman, while on duty, shall have equal authority with the marshal to preserve the peace of the city, suppress disorders, and make arrests of any and all persons who have committed or are attempting to commit any infraction of the penal ordinances of the city, or violation of the common laws of the State; and also, the marshal and each of the watchmen are hereby empowered and required to arrest all vagrants who may be found in any of the streets, lanes or other parts of the city, without good reasons, at any time in the night season between the hours of nine in the evening and four in the morning. And all persons who may be arrested under this Ordinance, by the marshal, or either of the watchmen, shall be brought

before the mayor as early as practicable on the next day after the arrest, in the custody of the marshal or the watchman, and if any person so arrested on enquiry before the mayor, shall be found guilty of violating any penal ordinance of the city, or criminal law of the state, the mayor shall exercise the authority vested in him by such ordinance or law; and in case of vagrants being brought before him, the mayor shall, on investigation, either discharge, reprimand or impose a fine of not less than one nor more than five dollars, as the nature of the case may require.—Passed November 27, 1839.

Powers and duties of watchmen.

ACADEMY LOT.

To authorise the Mayor to execute the Bonds of the City for the purpose therein named.

Sec. 1. Bonds given Wm. S. Miller for Academy Lot.

§1. Be it ordained, &c. That the mayor be, and he hereby is authorised and empowered to complete the contract for the purchase of the Academy lot for school-house purposes, in the third ward, by executing in sums of one thousand dollars each the bonds of the city for the aggregate amount of six thousand dollars, payable to Wm. S. Miller, or his order, at the city of New-York, in ten years from the first day of January, eighteen hundred and forty, with interest thereon, payable annually, at the rate of six per cent. per annum.—Passed January 29, 1840.

Bonds issued for \$6,000 for Academy Lot.

SCHOOLS.

To provide for the Establishment of Common Schools.

Sec. 1. Duties of School Committee to lease buildings.

2. Farther duties to procure apparatus, &c.

3. Duties of School Managers.

4. Expenses of Schools to be limited.

School committee
to lease school
rooms.

§1. Be it ordained, &c. That the school committee of the council is hereby authorised to procure by lease suitable buildings or rooms for the use of the city, to be occupied as school rooms as herein after provided under the authority of the city, PROVIDED, that such buildings or rooms shall be approved by the Board of Managers of common schools. The expense of the lease of the same shall not exceed one half the amount which the city council is authorised to appropriate annually for the construction of buildings for school purposes.

School committee
to procure furni-
ture.

§2. The school committee of the council is further authorised and instructed to procure, at the expense of the city, the needful apparatus and furniture for the buildings or rooms thus provided, the added expense of which shall not exceed the limits prescribed in the first section of this ordinance.

Duties of School
Managers.

§3. It is further ordained, that the Board of Managers of common schools in this city is hereby authorised to establish immediately in the premises, provided as aforesaid, such schools of elementary education as to them shall seem necessary, and procure instructors for the same, the term or sessions of which schools shall commence on the 24th day of July inst. and continue four months, to wit, till the 24th day of November next.

School expenses
to be limited.

§4. It being provided that said schools are to be supported from the revenue of the city set apart for said purposes, and that the expenses of tuition and fuel in said schools shall not be permitted to exceed said specified revenue.—Passed July 7, 1837.

To Regulate Schools and divide the First Ward into two Districts.

Sec. 1. Repealed, (see amendment.)

2. Number of School Districts, and their divisions.

3. Powers of School Managers, and their duties.

§1. Be it ordained, &c. That the summer term of the common schools of the city which may now, or hereafter be established, in the different wards, shall commence on the first Monday in May, and terminate on the last Saturday of September, annually; and that the winter term of said school shall commence on the first Monday of November, and terminate on the last Saturday in March, annually.

Commencement
and termination
of schools.

§2. That the first ward shall, and is hereby divided, into two school districts, to be known as the first and second, and bounded as follows: all that portion of said ward west of Ontario and south of Superior-street and Superior-lane, shall be embraced in one district, to be known and designated as the first, and all that portion of the territory not included in the above described limits lying east and south of Ontario-street, shall constitute the second district.

Division of ward.

§3. That the managers be directed, and they are hereby empowered, to procure suitable rooms for the accommodation of the common schools of the city for the ensuing year, subject to the ratifications of the council, and that they proceed forthwith to discharge this and other duties incumbent upon that office.—Passed May 2, 1838.

Managers to pro-
cure school rooms

To amend an Ordinance to Regulate Schools and divide the First Ward into two Districts, passed May 2, 1838.

§1. Be it ordained, &c. That the spring term of the common schools of the city, which are now or may hereafter be established, shall commence on the second Monday of April, and terminate on the last Saturday in July; the

Commencement
and termination
of schools.

fall term shall commence on the fourth Monday of August, and terminate on the last Saturday in November; and the winter term shall commence on the second Monday of December, and terminate on the last Saturday of March.

Repeal.

§2. That so much of the ordinance to which this is an amendment, as is inconsistent with the provisions of this ordinance, be and the same is hereby repealed.—Passed March 30, 1840.

Defining the Duties of School Managers.

Sec. 1. Appointment of Acting School Manager.

2. Duties of Managers in keeping Books and Accounts.

3. Manager's supervision of all expenditures.

4. Compensation of Managers.

Acting Manager. §1. Be it ordained, &c. That be and he is hereby designated to perform the duties hereinafter specified, during the pleasure of the council, and that at each annual election of the school managers held one of the managers elected shall be designated or appointed by the city council to perform said duties.

Manager to keep books.

§2. It shall be the duty of the manager designated or appointed, as provided in the first section of this ordinance, to keep a set of books, in which he shall open an account with each teacher in the employ of the city, and to make an accurate entry of all monies paid to, and of services rendered by, each teacher; and it shall also be his duty to keep an accurate account with each school district, in which he shall make an entry of all monies paid for the benefit of such district, whether for teaching, rent, or for other purposes. Said accounts are to be ballanced at the end of each year.

Duties of Manager.

§3. The said manager shall be required to provide fuel, take charge of the buildings and fixtures, and certify to the council the correctness of all accounts against the city for teaching, or for rents, fuel, repairs, or fixtures on or about the school houses.

§4. The manager, upon whom shall devolve the duties ^{Pay of School} specified in this ordinance, shall receive for his special ^{Manager.} services a fair and reasonable compensation, to be paid from the school-house fund.—Passed June 19, 1841.

WHARVES.

For Repairing the Wharves in the City of Cleveland.

- Sec. 1. Wharves between Bath and Division-streets, to be kept in repair.
 2. Duties of Supervisor and City Attorney in enforcing this Ordinance.

§1. Be it ordained, &c. That every owner of real es- ^{Wharves to be} tate fronting and abutting on the Cuyahoga river, between ^{kept in repair.} Bath and Division-streets, in said city, shall cause the wharf or wharves now erected upon or against their said premises, and abutting upon said river, to be put in good and substantial repair to the acceptance of the street supervisor for said city, on or before the first day of May, A. D. 1840; and any person or persons failing to comply with the provisions of this section shall forfeit and pay a penalty not exceeding one hundred dollars, and costs of prosecution.

§2. It shall be the duty of the street supervisor to make ^{Duty of supervi-} an examination of the wharves aforesaid on the first day ^{sor.} of May next, and to enter complaint to the mayor against all persons who shall have failed to comply with the provisions of the foregoing section; and the city ^{Of Attorney,} attorney is hereby required to prosecute said complaints to effect.—Passed March 30, 1840.

TAVERNS, &c.

To Regulate Taverns and to prohibit the sale of Ardent Spirits, or other intoxicating liquors, by a less quantity than one quart.

Sec. 1. Sale of Intoxicating Liquors prohibited.

2. Sale to Apprentices, &c. prohibited.

3. But one bar permitted in a Licensed Tavern.

4. Duty of Marshal in enforcing Ordinance, &c.

Liquor not to be sold in smaller quantities than a quart.

§1. Be it ordained, &c. That no store-keeper, trader, or grocer, or other person, (except inn-keepers duly licensed by the court of common pleas of Cuyahoga county) in the city of Cleveland, shall sell or shall give away, with intent to evade this ordinance, any ardent spirits, wines, ale or beer, or any other intoxicating liquors, to be drank in his or her store, shop, grocery, out-house, steam-boat, vessel, canal-boat, scow, or water craft, yard or garden, owned or occupied by the person selling or giving away the same, or which shall be carried away therefrom, of a less quantity than one quart, or shall suffer any such liquors, sold or given away by him or her, or under his or her direction or authority, to be drank upon the premises aforesaid, under the penalty of any sum not less than four nor more than fifty dollars, with costs of suit.

Tavern-keepers not to sell to minors.

§2. No tavern-keeper shall give away or sell ardent spirits, or other intoxicating liquors, to any child, apprentice or servant, without the consent of his or her parent, guardian, master or mistress under the penalty of not more than twenty nor less than five dollars, with costs of suit, for each and every offence.

Penalty for keeping disorderly house.

§3. That if any person, licensed to keep a tavern in the city of Cleveland, by the Court of Common Pleas of Cuyahoga county aforesaid, shall keep more than one bar, or shall permit or allow any kind of rioting, revelling, drunkenness, lewd or disorderly conduct, in his or her house, or on his or her premises, or shall sell or give any liquor to any

person in his or her premises, who may be in a state of intoxication, or permit any other person to give said intoxicated person any liquor while in his or her house, or upon his or her premises, every such person, for each and every such offence, shall forfeit and pay a sum not exceeding fifty dollars nor less than ten dollars, together with costs of suit.

§4. It shall be the special duty of the marshal diligently to examine all houses opened apparently for supplying entertainment in drinks, and in all cases where the same shall not be licensed by the Court of Common Pleas of Cuyahoga county, or where he may discover any violation of any other of the provisions of this ordinance, to make report thereof to the mayor forthwith, upon which report the mayor shall forthwith proceed against such alledged offender or offenders without further complaint.—Passed May 6 1840.

Duties of Marshal.

MARKETS.

Establishing and Regulating Market-Houses, and the vending of Meats and other Provisions.

Sec. 1. Michigan Market-House.

2. Creation of the office of Market Clerk.
3. Four Stalls set apart for Free Stalls for vegetables.
4. Stalls to be appraised 10th of April, and Leases to commence on 1st of May, annually.
5. Lease of Stalls to be paid half down, and half in six months, secured by notes.
6. Unsold Stalls to remain in charge of Market Clerk.
7. Market Clerk to keep a Record, and settle with Treasurer.
8. Market hours from 12 o'clock M. to 9 P. M.
9. Stands for country market to be under the Clerk's supervision.
10. Meats, vegetables, grain, butter, &c., not to be sold until after 12 o'clock M.
11. Fresh meat not to be sold except at Markets.
12. Weights and Measures in and about Market to be sealed.
13. Penalty for exposing for sale unwholesome meat.
14. Mutton and other meat to be jointed.
15. Butchers to be cleanly clad.

Sec. 16. Butchers to keep clean Stalls.

17. Slaughtering within the city limits prohibited.

18. Permit given to sell meat on the dock.

19. Market Clerk to have general supervision of Market House, &c.

20. Half of all fines and penalties to go to the informer.

21. Repeal of all former ordinances.

Michigan Market House.

§1. Be it ordained, &c. That the Market-House in Michigan-street, is a public market, and all others which may hereafter be established, shall conform to the provisions of this ordinance.

Appointment of Market Clerks.

§2. There shall be, yearly, on or before the first Monday of May, appointed by the city council, one or more Market Clerks, who shall perform the duties from time to time imposed upon them by ordinance or otherwise; shall hold their respective offices until their successors are appointed and qualified, unless from good cause removed from office; shall give bond in such sum, and with securities, for the faithful discharge of their duties, previous to entering thereupon, as shall be acceptable to the council, and shall receive such compensation for their services as the council shall from time to time allow.

Vegetable Stalls.

§3. Four stalls in said market shall yearly be designated and set apart, by the committee hereinafter provided for, as free stalls for the sale of vegetables and provisions generally, other than Butchers' meat, and may be occupied for the day under the direction of the market clerk, by the persons first taking possession thereof, provided, that no person shall directly or indirectly occupy more than one of said stalls or tables the same day.

Stalls appraised and sold.

§4. The residue of the stalls in said market shall yearly, on or before the 10th day of April, be appraised by a committee of the council (which appraisal shall be sanctioned by the council,) for the current year, which shall commence on the first Monday of May, on which said Monday, the market clerk shall, after having given at least ten days previous notice in some newspaper of general circulation in the city, proceed to offer them for sale at public auction, for one year from said Monday; no stall shall be sold at

less than its appraisal, but bids shall be received for the choice of stalls at the appraisal, and the highest bidder shall be entitled to choice of unsold stalls, until all are sold, or the demand is supplied, and the stalls thus sold may be used for the sale of meats and provisions generally, under such regulations and restrictions, as may from time to time be established ; provided, that no person or firm shall bid off, or in any manner occupy more than two stalls at any one time.

§5. All stalls sold under the provisions of the foregoing sections, shall be paid for as follows—at least one half in hand, and the residue in notes, with at least one responsible surety, and having not more than six months to run from the day of sale ; and at the first meeting of the council after each yearly sale, the market clerk shall report the number of stalls, the persons to whom, and the prices for which sold, and shall accompany his report with the city treasurer's receipt for the money and notes, the proceeds of such sale.

Stall leases, how to be paid.

§6. All stalls, except FREE stalls, not sold on the annual day of sale, or if sold, remaining unsettled for (according to the provisions of the foregoing section,) for twenty-four hours after said day of sale, shall remain in charge of the market clerk, who shall at any time thereafter, on application, lease the same for the unexpired portion of the year, at a price not less in proportion to time than the appraisal ; and until said stalls are so disposed of, he shall rent them on application, by the day, as follows : for the sale of meat by the quarter, beef at eight cents, and mutton, veal, lamb or other carcass at two cents the quarter, or for the sale of vegetables and provisions other than butcher's meat, at not more than fifty cents, nor less than twenty-five cents per day : provided, that the price of stalls shall for the day be uniform—provided, also, that no stall, so rented by the day, shall be occupied for a different purpose than that specified, and that no stall whatever, except free stalls, shall be occupied at all for the purchase, sale, or

Unsold stalls remain in charge of market clerk.

storing of any commodity, unless the same is under daily or yearly lease.

Clerk to keep books.

§7. The market clerk shall keep a book or books in which shall be correctly entered all his doings, and which shall at all times be open to the inspection of the mayor, or any member of the city council; and it shall be his duty, at least once a month, to settle with the city treasurer, paying over to him all moneys and securities in his hands, and depositing with the city clerk his receipt therefor.

Market hours.

§8. The market shall be open all days in the week except Sundays, from sunrise to 12 o'clock M., and on Saturdays until 9 o'clock P. M.

Market stands.

§9. All waggons, carts and other vehicles containing provisions, to be vended at or near the market, shall be under the direction of the market clerk; and any person, owning or having charge of a vehicle, refusing to obey the orders of said clerk, shall forfeit and pay a fine not exceeding five dollars. Meat, by the quarter only, and all other provisions, may be sold free of charge from such vehicles.

Meats and vegetables not to be sold before 12 o'clock.

§10. It shall not be lawful for any person in the city of Cleveland, to sell or offer to sell, purchase, or offer to purchase, or to entice, persuade, or advise any person to sell or offer to sell, buy or offer to buy, between sunrise and 12 o'clock M. at any other place than the public market, any fresh meat less than by the quarter, (except wild game and offals of hogs,) nor any other provisions, except by the quantity, to wit: butter or lard by the keg or barrel, cheese not less than the 100 lbs. eggs by the bbl. vegetables of any kind not less than ten bushels, poultry not less than 100 lbs., and fresh fish not less than 50 lbs. And any person violating any of the provisions of this section, shall forfeit and pay a sum not less than five nor more than twenty dollars for each and every offence; provided, that nothing herein contained shall be construed to prohibit the vending, by merchants and grocers, at their stores, of butter,

lard, cheese, eggs, poultry and vegetables, other than those commonly called garden vegetables.

§11. No person shall, at any time of the day, sell within the city, other fresh meat than wild game and offals of hogs, by less quantity than the quarter, unless at a stall rented by him or her, at the market, for that purpose, or at such place as he or she may be licensed, by the council, so to do; and every application for a license to sell meat at retail, shall specify the exact place where it is proposed to sell; and it shall not be lawful for any person, so obtaining license, to sell meat, by virtue thereof, at any other than the place specified in such application; and any person violating any of the provisions of this section, shall forfeit and pay a sum not less than one nor more than five dollars for each and every offence.

No meats, &c. to be sold except at markets.

§12. All weights and measures used in and about the public market shall conform to the city standards, and all commodities which shall be sold by weight or measure, in or about said market, or other licensed place of marketing, which shall fall short of such standard, shall be forfeited, by the owner or person so selling or offering to sell the same, for the use of the poor of Cleveland township; and it is hereby made the duty of the market clerk to supply the market with the necessary standard weights and measures, at the expense of the city.

Weights, &c. to be sealed.

§13. If any person shall sell or offer to sell, in this city, any unwholesome, stale, emaciated, blown, stuffed, tainted, putrid, or measly meat, poultry, or other article, such person shall forfeit and pay a sum not less than five, nor more than twenty-five dollars.

Sale of stale meat prohibited.

§14. No mutton, lamb or other butcher's meat, shall be exposed for sale at the public market, or other licensed place of vending meats, before the leg below the knee joint shall have been removed; nor between the first of May and the first of November, any untried fat, the undressed head of any animals, any hides or skins in a raw state, under a penalty of not more than five dollars for each and every offence.

Meat to be jointed.

Butchers' apparel.

§15. No person shall cut up, handle or sell, in the public market or other licensed place of vending, any butcher's meat, unless he or she shall be cleanly clad, nor be guilty of any indecent or disorderly conduct, playing at games, using profane or obscene language in or about said markets; nor shall the lessee or occupier, of any stall therein, permit his or her dog, or other offensive or dangerous animal to be in or about said markets, under a penalty of one dollar for each and every offence.

Stalls to be kept clean.

§16. Every lessee, or occupier of any stall in the public market, shall keep the same in a clean, sweet and healthy state, under the direction of the market clerk; and in default thereof, said clerk shall cause said stalls to be cleansed at the expense of such lessee or occupier; and any person refusing or neglecting to pay on demand, to the clerk, any sum not exceeding one dollar, expended by him for such purpose, shall forfeit and pay a penalty not exceeding ten dollars for each and every offence.

No slaughtering in the city.

§17. It shall not be lawful for any person to slaughter within the limits of the city, any beeves, sheep, calves, or swine, for the purpose of vending or packing unless licensed by the council so to do, under a penalty of five dollars for each and every offence.

Permits granted to sell on docks.

§18. Every person leasing a stall or stalls in the public market, by the year, for the sale of butcher's meat, and every person obtaining a permit from the council to vend the same, at a place other than the public market, shall, before he shall be permitted to sell, obtain from the mayor a certificate or license, which shall set forth the holder's name, the place where he is authorised to sell, the price of the stall or permit, as the case may be, and the time for which he may sell, (which shall always expire on the first Monday of May following,) and for each license or certificate so granted by the mayor, he shall charge and receive, for the use of the city, one dollar, and any person offending against the provisions of this section, shall forfeit one dollar for each and every day he so offends.

§19. The market clerk shall have the general superintendence of the market-house and its appurtenances. It shall be his duty to attend to the opening and closing thereof; to cause the same to be cleaned and repaired when necessary; to collect all dues, prosecute all defaulters; settle all disputes arising from deviations in weights and measures, contested occupancy of stalls, or other causes, and generally to take care that the provisions of this ordinance, and all others relating to markets, are duly observed, and the penalties enforced; and he shall moreover cause at least ten printed copies of this ordinance to be conspicuously posted up, in different parts of the public market, and at least twenty additional ones in different parts of the city. He may also issue bye-laws for the better regulation of the market, which, after being sanctioned by the council, shall have all the force and validity of an ordinance.

Powers of Market Clerk.

§20. One half of all fines, penalties and forfeitures recovered under the provisions of this ordinance shall be paid to the complainant, and the other half into the city treasury.

Fines to inform,

§21. All ordinances and resolutions relating to markets and market clerks, now in force, are hereby repealed, saving and reserving to all parties, all rights, privileges and immunities growing out of the same.—Passed June 8, 1840.

Repeal.

MEASURERS OF STONE, &c.

To Create the office of Measurer of Stone, and also of Mechanic's Work.

- Sec. 1. Stone and Mechanic's Work to be measured when required.
 2. Measurer to hold office during the pleasure of the Council.
 3. Penalty for any person other than Measurer to execute the office of Measurer.
 4. Penalty for dereliction of office by Measurer.

Stone and mechanic's work measured.

§1. Be it ordained, &c. That there shall be annually appointed by the city council, as often otherwise as may be deemed necessary, two discreet persons to be measurers of stone and mechanic's work, whose duty it shall be, when thereto required, carefully to measure all such stone or work, and give a certificate of the same to the owner or the person requiring such measurement to be made, for which measurement and certificate the measurer may ask and demand of the owner, or such person requiring the measurement to be made, the sum of eight cents for every 100 feet of stone, two cents for every 1000 brick and one cent for every yard of any other kind of work so measured and certified; provided, always, that the measurer shall not in any case be entitled to receive more than fifty cents per hour for the performance of any duty contemplated in this ordinance. In making such measurement, the said measurer shall make due and reasonable allowance for the interstices or openings of all stone or work so measured, and certify the quantity in cubic feet if of stone, the number of thousand if brick, and the number of yards or feet in any other work, as in his opinion shall be equitable and just.

Measurer to hold office.

§2. Each person appointed a measurer under this act, shall hold his office during the pleasure of the city council, or until the first Monday of May next after such appointment.

Penalty for other than measurer to execute office

§3 No person other than a measurer duly appointed and sworn, shall execute the office or perform the duties of

such measurer, under a penalty of five dollars for each and every offence.

§4. Any person, appointed under this ordinance, who shall falsely or fraudulently give any certificate for a greater or less quantity of stone, brick, or other work, to have been measured by him than there actually is, shall for each such false measurement or certificate forfeit and pay a penalty of ten dollars, besides being answerable in damages to the party thereby injured.—Passed July 27, 1840. Penalty for false account.

To amend an Ordinance to create the office of Measurer of Stone, &c., passed July 27, 1840.

§1. Be it ordained, &c. That an ordinance passed July 27, 1840, creating the office of measurer of stone, &c. be amended, so that the said measurers shall also be measurers of lumber; to be allowed twenty-five cents per thousand feet for all lumber measured and certified by them, one half to be paid by the buyer, and one half by the seller.—Passed August 11, 1840. Lumber measured.

HARBOR REGULATIONS.

For the appointment of a Harbor Master, and defining his Duties.

Sec. 1. Office created.

2. Master to remove Craft when ordered by Harbor Master.

3. Harbor Master may fine delinquents One Dollar.

§1. Be it ordained, &c. That there shall be appointed by the city council, a Harbor Master for the city, whose office shall continue one year, or during the pleasure of the council. Office created.

§2. The Harbor Master shall have power, on the application of any master, owner, or consignee of any ship, boat, or other water craft, in this city, to regulate and order all Powers of Harbor Master.

Powers of Harbor Master. such water craft, lying at any of the wharves in this city,

and to remove from time to time such boats, ships, or other water craft, as are not employed in receiving or discharging their cargoes or passengers, to make room for such others as require to be more immediately accommodated for the purpose of receiving or discharging their cargoes, or passengers; and if any master, or other person, having charge of such ship, boat or other water craft, shall refuse or neglect to obey the directions of such Harbor Master, in the premises, he or they shall forfeit ten dollars for each offence, to be recovered in an action of debt, with costs, for the use of the city.

Fine \$1 00.

§3. The said Harbor Master may receive from the said master, or other person having charge of such ship, boat, or other water craft, adjudged by him to be in default, for his compensation in the premises, the sum of one dollar; provided, that the said master, or other person having such charge, shall have been requested to remove the said ship, boat, or other water craft.—Passed August 11, 1840.

To prevent the obstruction of the Cuyahoga River and Canal, within the limits of the city of Cleveland.

Sec. 1. Stone, timber, &c. not to be thrown into the River, or placed on Wharves.

2. Penalty for violating first section.

3. Penalty for violating Ordinance generally.

Stone, &c. not to be thrown in river or on wharves.

§1. Be it ordained, &c. That it shall be unlawful for any person or persons to throw gravel, stone or ballast of any kind whatsoever, or any other article, into the Cuyahoga river or canal, within the limits of said city, that may or shall be calculated to destroy or obstruct the navigation of the same; or to place any such gravel, stone, ballast, or other thing, on the banks or wharves of said river or canal, or upon the public piers erected by the United States, in such a position as to render it liable to be washed, or otherwise conveyed into the same; or to make or to

direct any channel for the passage of water, so as to carry any gravel, stone, or other thing, into said river or canal.

§2. Any captain, or other person having the control of ^{Penalty.} any steam-boat, or other water craft, navigating the waters of the lakes, river or canal, permitting or suffering a violation of the first section of this ordinance by any of the persons employed on said steam-boat or water craft, shall be liable to all the penalties hereinafter provided.

§3. Any person or persons violating any of the provisions ^{Penalty for violating ordinance.} of this ordinance upon conviction thereof before the mayor of said city, shall be liable to pay a fine not exceeding one hundred dollars, and to imprisonment not exceeding fifteen days, or both, at the discretion of the mayor, for each and every offence.—Passed May 5, 1841.

Prohibiting Obstructions in the Cuyahoga River, and regulating Steam-boats, Vessels, and other Water Craft, navigating the same, and for other purposes.

- Sec. 1. Piles, stones, &c. not to be placed in River.
 2. Wharves, Bridges, &c. to be kept clear.
 3. Craft to keep rigging braced up in Harbor.
 4. Steam-boat to be moved slowly in Harbor.
 5. Light to be kept out during the night.
 6. Penalty for violating 3d, 4th and 5th sections.
 7. Craft not to be fastened so as to obstruct passage.
 8. Master to move craft when ordered by Harbor Master.

§1. Be it ordained, &c. That no person shall drive or place, or cause to be driven or placed, any pile or piles, ^{Piles, stone, &c. not to be placed in river.} stone, timber, earth, or other obstruction in the Cuyahoga river, within the limits of this city, without permission from the council, or by direction of the street superintendent for public purposes. Every person offending against the provisions of this section, shall forfeit a sum of not more than fifty dollars, and the further sum of not more than twenty-five dollars for every day such obstruction shall be suffered to continue.

§2. No person shall unload any boat or vessel at or on

Wharves, &c. to be kept clear. any of the public wharves, docks, bridges, or public grounds in this city, or place, or deposite on any public wharf, dock, bridge, or public grounds in the city of Cleveland, any stone, lumber, timber, or fire wood, without permission from the Harbor Master, under a penalty of not more than ten dollars for each offence.

Craft to keep rigging braeced up in harbor. §3. All steam-boats, ships, brigs, and other vessels, while in the Cuyahoga river, shall have their anchors kept in-board upon deck, and their yards braced up sharp, so as to prevent injury therefrom to other craft.

Steam-boats to move slowly in harbor. §4. All steam-boats in coming in and going out of the Cuyahoga river, shall be moved under a low head of steam, and slowly, so as not to endanger other craft in port.

Light to be kept out-board at night. §5. All steam-boats, ships, brigs canal-boats, or other vessels, shall have kept out-board during the night time a conspicuous light, and shall have extinguished or secured safely at dark all fires that may be kept on board.

Penalty. §6. Any person or persons, owner or officers of any steam-boat, ship, brig, canal-boat, or other vessel, violating any of the provisions of either of the last three sections, (third, fourth and fifth,) shall forfeit for the use of the city of Cleveland, a penalty of not more than twenty dollars.

Craft not to obstruct passage. §7. Any owner, master or other person having in charge any steam-boat, vessel, canal boat, or other water craft, who shall anchor or otherwise fasten, or permit to be anchored or fastened, any such steamboat, vessel, canal boat, or other water craft, in the Cuyahoga river, when the same shall obstruct the passage of any other steam-boat, or other vessel, in coming into or going out of said river, shall forfeit a penalty of not more than twenty-five dollars for each and every offence.

Master to move craft when ordered by H. Master. §8. No owner, master, or other person, having in charge any steam-boat, or other vessel, shall fasten or lay, or suffer to be fastened or laid, any such steam-boat, or other vessel, to any private or public dock, bridge, or public

ground on the Cuyahoga river, after having been directed by the Harbor Master to remove the same, under a penalty of not more than twenty-five dollars for each and every offence, to be recovered from the owner or master thereof.—Passed November 24, 1841.

More fully defining the Duties of Harbor Master, and for other purposes.

- Sec. 1. Harbor Master's power in case of distress or danger.
 2. Penalty for disobeying Harbor Master's orders.
 3. When to be adjudged guilty of obstructing navigation.
 4. Craft receiving assistance in distress to pay therefor.
 5. Coal, stone, &c. to be unloaded so as not to fall into river.
 6. No craft to fasten to another between the piers.
 7. No steam-boat to enter the piers when another is between the piers bound out.
 8. Penalty for taking small boat without liberty.
 9. Penalty for resisting Harbor Master.

§1. Be it ordained, &c. That if any steam-boat or vessel, making or leaving the port of Cleveland, be in distress or danger, and obliged to anchor outside the harbor; or if any boat, vessel, or other water craft, by anchoring inside the piers or in the Cuyahoga river, or by winding or other cause, shall get foul and obstruct the navigation or passage of other boats or crafts, the Harbor Master shall have power to order to their assistance, men, boats and tackle, from any other boat or craft in port.

Assistance when in distress.

§2. Any master or other officer in charge of any boat or craft refusing to render assistance when so ordered by the Harbor Master, shall forfeit a penalty of not less than ten or more than fifty dollars.

Penalty for disobeying Harbor Master.

§3. Any master or officer refusing to receive such assistance, when obstructing the passage of any other boat or craft, shall be adjudged guilty of obstructing the navigation, and be liable to all the penalties attached thereto.

When adjudged guilty.

§4. Any boat or other craft receiving assistance as above specified, shall be liable to the person or persons rendering the same, for such sums as the Harbor Master may

Craft to pay for assistance.

deem a fair compensation, provided such sums shall not exceed fifty dollars.

Coal, &c. not to fall into river.

§5. No owner, master, or other person, having in charge any steam-boat, vessel, canal boat or other water craft, shall load or unload, or allow to be loaded or unloaded, on, to, or therefrom, any coal, stone, sand, or other substance liable to obstruct navigation, without a good and sufficient preventative against any such substance falling into the Cuyahoga river. Any person neglecting to erect or place such preventative shall forfeit a penalty of not less than two or more than five dollars.

Craft not to fasten to piers.

§6. No steam-boat or vessel shall make fast and lay along side of another between the piers, under a penalty of not less than five or more than ten dollars.

When boats shall not enter river.

§7. No steam-boat shall enter the river while another boat is in sight between the piers going out, unless obliged by distress of weather, under a penalty of not less than twenty or more than fifty dollars.

Penalty for taking small boats.

§8. Any person taking a yawl or small boat lying in the Cuyahoga river, without the consent of the owner or person having it in charge, shall forfeit a penalty of not less than one or more than five dollars.

Penalty for resisting Harbor Master.

§9. Any person resisting, opposing, or interfering in any manner with the Harbor Master, while in the performance of his duties, shall pay a fine of five dollars.—Passed April 18, 1842.

BRIDGES.

Concerning Bridges across the Canal.

Sec. 1. No two bridges across the Canal to be raised at the same time.

Canal Bridges.

§1. Be it ordained, &c. That no person or persons shall at any time raise or cause to be raised either of the bridges across the canal while the other is up; and every person

offending in the premises shall on conviction thereof be fined ten dollars with costs of prosecution.—Passed April 26, 1837.

Penalty for keeping more than one raised at the same time.

In Relation to the Float Bridge.

Sec. 1. Craft not to fasten to Float Bridge.

2. Float Bridge to be kept clear.

3. Penalty for violation.

§1. Be it ordained, &c. That it shall be the duty of each and every owner, captain or other person having charge of any canal boat or water craft, navigating the Cuyahoga river, which may be fastened to the float bridge, or dock in the vicinity of said bridge, within said city, to remove the same upon request of the tender of said bridge.

Fastening to bridge prohibited

§2. That it shall be unlawful for any person or persons to place any obstruction of any kind whatsoever upon said bridge, within said city, which shall in any manner prevent or impair the use of said bridge as a public highway.

Bridge to be kept clear.

§3. That if any person or persons shall violate any of the provisions of this ordinance, upon conviction thereof before the mayor, shall be fined in any sum not less than one nor more than twenty-five dollars, at the discretion of the mayor, with costs of prosecution.—Passed August 18, 1840.

Penalty.

To authorise the Mayor, or the President of the City Council, to commit persons to Jail in certain cases.

§1. Be it ordained, &c. That upon the refusal or inability of any person to pay any fine or penalty that may be imposed on the same by the mayor, or the city of Cleveland, or the president of the city council, for a violation of any of the ordinances of said city, the mayor, or the president of the city council, in the absence or inability of the

Mayor empowered to commit to prison.

mayor, is hereby duly authorised and empowered to commit every such person as aforesaid to the jail of the county of Cuyahoga, to stand committed in said jail until such fine or penalty aforesaid is paid or satisfied, or he or they be otherwise legally discharged from such jail.—Passed February 16, 1841.

HOGS.

To prohibit certain Swine from running at large.

- Sec. 1. Boar pigs prohibited from running at large.
 2. Swine to be impounded and sold.
 3. Penalty for resisting Marshal when impounding Hogs.

Certain swine
prohibited from
running at large.

Penalty.

To be impounded
and sold.

§1. Be it ordained, &c. That it shall be unlawful for the owner or owners of any boar pig or pigs to suffer the same to run at large within the streets, lanes, alleys, or commons of said city; and if any owner or owners shall suffer such swine to so run at large, upon conviction thereof before the mayor, shall pay a fine of not less than one nor more than five dollars.

§2. That if any such swine shall be found running at large within the limits of said city, it shall be the duty of the city marshal to cause such swine to be taken up and impounded, and to give notice to the owner of the same when known and if not redeemed as hereinafter provided, to proceed to sell the same to the highest bidder within three days after being so impounded, having first caused the time and place of such sale to be published in a printed or written handbill, posted up on said pound. And the said marshal shall pay over to the treasurer of said city the proceeds of such sale, after deducting therefrom the necessary expenses: Provided, that the owner or owners of said swine that may be taken up or impounded, may redeem the same any time before the sale, by paying to the marshal all expenses and charges for so taking up, impounding and keeping the same.

§3. That if any person shall resist the marshal in the discharge of the duties imposed by this ordinance, or shall let out such swine, when so impounded, every person so offending, on conviction thereof before the mayor, shall for every such offence forfeit and pay any sum not exceeding fifty nor less than two dollars, with costs of suit.—Passed July 21, 1841.

Penalty for resisting marshal.

DOGS.

For Taxing the Owners of Dogs.

- Sec. 1. All Dogs within the city to be taxed.
 2. When and to whom tax paid; Dogs to wear collars with owner's name engraved thereon.
 3. Penalty \$5 for neglecting to comply with the 2d section.
 4. Names and descriptions of Dogs to be recorded by the City Clerk.
 5. Killing of Dogs lawful in some cases.
 6. \$10 penalty for putting collar on Dog without first paying tax.

§1. Be it ordained, &c. That any person residing within the city of Cleveland, owning or having in his or her possession any dog, bitch, or slut, shall be liable to pay for the same, the following sums:

Dog Tax.

For every dog, one dollar per annum.

For every bitch or slut, five dollars per annum.

§2. Every person residing in the city of Cleveland, owning or having in his or her possession, any dog, bitch or slut, shall on or before the fifteenth day of August of the present year, and on or before the first day of June in each and any subsequent year, pay to the city clerk, the sum required in the first section of this ordinance, and report in writing to him the name and description of every dog, bitch or slut, so owned or possessed by him or her, and shall, moreover, put on the neck of such dog, bitch or slut a metal strap or collar, on which shall be engraved in legible characters the name of the owner.

When paid.

§3. Any person neglecting to comply with the provisions

- Penalty.** of the second section of this ordinance shall forfeit a penalty of five dollars for each and every offence.
- Dog's name, &c. to be recorded.** §4. It shall be the duty of the city clerk, to keep a record of the name and description of all dogs reported and paid for, according to the provisions of the second section of this ordinance.
- Lawful to kill dogs in some cases.** §5. It shall be lawful for any person to shoot or otherwise kill any dog, bitch or slut, whose owner or possessor shall not have complied with the second section of this ordinance.
- Penalty for putting collar on dog without first paying tax.** §6. Any person placing any strap or collar as above required on any dog, upon which the tax has not been paid, shall forfeit a penalty of ten dollars.—Passed July 27, 1836.

Authorising the Destruction of Dogs.

Sec. 1. Lawful to kill dogs absent from their owners without collars.

- Lawful to destroy dogs in some cases.** §1. Be it ordained, &c. That it shall be lawful for any person to destroy any dog, found running at large, or absent from its owner, within the limits of the city, not having around his neck a collar, with the name of the owner. And it is hereby made the duty of the marshal to take all necessary measures to prevent danger, or injury from dogs; and it is hereby made the further duty of the marshal, either in person, or by employing some suitable person for such purpose, to carry the provisions of this ordinance, and the ordinance for taxing dogs, into effect.—Passed March 8, 1837.

Duties of marshal.

To Restrain certain Dogs from being kept in this city.

Sec. 1. Certain dogs prohibited from running at large.

2. Duty of Marshal and Supervisor to kill sluts.
3. Lawful for any person to destroy sluts.
4. Penalty for keeping sluts.

- Certain dogs prohibited from running at large.** §1. Be it ordained, &c. That from and after the first day of February, 1842, it shall be unlawful for any person to

keep, within said city, any bitch or slut, or suffer the same to run at large within the limits of said city.

§2. That it is hereby made the duty of the marshal and ^{Duty of marshal and supervisor to kill sluts.} street supervisor, to shoot or otherwise kill any bitch or slut found at large in said city, and to enter a complaint before the mayor against any person or persons keeping such dog in said city.

§3. That it shall be lawful for any person to shoot, or ^{Any person may destroy sluts.} otherwise kill, any bitch or slut found running at large in said city.

§4. That any person violating the first section of this ordinance, shall upon conviction thereof before the mayor, ^{Penalty for keeping sluts.} forfeit and pay any sum not less than ten dollars, at the discretion of the mayor, and costs of prosecution.—Passed January 5, 1842.

GOATS.

To Restrain Goats from running at large.

Sec. 1. Goats running at large to be hampered.

2. Penalty for violation of Ordinance.

§1. Be it ordained, &c. That hereafter it shall be un- ^{Goats to be hampered.} lawful for any person or persons owning or keeping in the city of Cleveland any goat or goats, to suffer the same to run at large within the limits of said city, unless such goat or goats shall be so clogged or hampered as to prevent the same from leaping or passing any lawful fence.

§2. Any person or persons owning or keeping any ^{Penalty.} goat or goats as aforesaid, who shall violate the provisions of the foregoing section, shall, on conviction thereof before the mayor, pay a fine not less than two, nor more than ten dollars for the use of the city.—Passed May 15, 1839.

RUNNERS.

To prohibit Runners.

Sec. 1. Runners prohibited from soliciting persons to stop at public houses, &c.

Soliciting pas-
sengers prohib-
ited.

§1. Be it ordained, &c. That if any person, as a runner, shall ask, solicit, or engage any person or persons, in any street, lane, or alley, or upon any wharf, pier, boat, or vessel, in this city, to take passage in any steam-boat, canal boat, or stage, or to repair to any hotel, in this city, every person so offending shall forfeit a penalty of not less than one nor more than twenty dollars for each and every offence, with costs of prosecution.—Passed August 18, 1841.

Penalty.

NUISANCES.

To prevent Nuisances.

Sec. 1. No rubbish to be thrown on Public Grounds or in Lake Erie.

2. No nuisance to remain on private property.

3. Marshal's duty to remove nuisance.

No nuisances to
be placed in
streets, &c.

§1. Be it ordained, &c. That no person shall throw, place, or deposite, or suffer his or her servant, child or family to throw, place, or deposite, any dead animal, carrion, putrid meat, or fish, entrails, oysters or clam shells, decayed vegetables, shavings, rubbish or nuisance of any kind, in any street, lane, or alley, or upon any public ground in said city, nor upon any unenclosed ground lying between Lake-street, or Bath-street, and Lake Erie; and any person violating this ordinance or any part thereof, shall forfeit and pay for every such violation a penalty of not less than two nor more than twenty dollars, and shall moreover be liable to pay the expense of removing the same by the city marshal.

Penalty.

§2. No owner or occupant of any lot or tenement in

said city, shall cause or permit any nuisance to be or remain in or upon such lot or tenement, or between the same and the centre of the street, lane, or alley adjoining, upon pain of forfeiting a penalty of two dollars for every twenty-four hours during which such nuisance shall be or remain in or upon such lot, tenement, street, lane, or alley, as aforesaid.

Nuisances prohibited on private property.

§3. It shall be the duty of the city marshal to cause to be removed all nuisances which shall be placed, deposited, caused or permitted as aforesaid within the limits herein prescribed, and forthwith report to the mayor or to some member of the city council the expense of such removal, together with the name or names (if to him known,) of the person or persons, placing, depositing, causing, or permitting such nuisances as aforesaid.—Passed May 9, 1836.

Duty of marshal to remove nuisances.

RACING OF ANIMALS.

To prevent the Racing of animals within the city limits of the city of Cleveland.

Sec. 1. Horse racing prohibited.

2. Penalty not less than fifty nor more than one hundred dollars.

3. Duties of Mayor and Marshal in relation thereto.

§1. Be it ordained, &c. That all running, trotting, rack-ing, or pacing of horses, or any other animals, within the limits of the city of Cleveland, on or after the first day of September, 1837, for any bet or stakes in money or goods or other valuable things, or for any reward to be given to the owner or rider of any animal which shall excel in speed, shall be deemed racing within the meaning of this ordinance, and is hereby declared to be a nuisance, and all parties concerned therein as authors, betters, stakers, stake-holders, judges to determine, the speed of the animals, riders, contrivers, or abettors thereof, shall on trial

Horse racing, &c. prohibited.

and conviction before the mayor be fined in the sum of not less than fifty dollars, and not more than one hundred dollars.

Penalty.

§2. The owner in whole or in part of any animal, that shall be used or employed by his permission or privity in racing, contrary to this ordinance, shall on trial and conviction thereof, as aforesaid, be fined in a sum not less than fifty dollars, and not more than one hundred dollars.

Duties of mayor
and marshal in
relation thereto.

§3. It shall be the duty of the mayor and marshal of the city, to attend at a place where they shall know, or be informed that any race is about to be run contrary to the provisions of this ordinance, and there give notice of the illegality thereof, and endeavor to prevent such race by dispersing the persons collected for the purpose of attending the same, and by all other ways and means in their power, and upon their own view, of any persons offending against the preceding sections, the same to arrest, to be dealt with according to the provisions of this ordinance.—
Passed August 16, 1837.

GAMING HOUSES, &c.

For the punishment of certain offences therein named.

Sec. 1 Gaming prohibited.

2. Disorderly houses, &c. prohibited.

Gaming prohib-
ed.

§1. Be it ordained. &c, That if any person shall play at any game whatever, for any money or other valuable thing, or shall keep, or shall suffer to be kept on his or her premises, any billiard table, nine pin alley, or other structure, device or instrument of gaming for money or other valuable thing, within the limits of said city, every person shall on conviction thereof be fined in any sum not exceeding one hundred dollars with costs of prosecution.

Penalty.

§2. That if any person shall keep, or suffer to be kept

on his or her premises, a house of ill fame, or any resort connected therewith, or shall knowingly frequent any such house or resort, within the limits of said city, or wilfully suffer or promote any gross indecency, disturbance, fighting, or any breach of the peace within the limits as aforesaid, every person shall for every such offence, on conviction thereof before the mayor, forfeit and pay any sum not exceeding one hundred dollars with costs of prosecution.—Passed November 2, 1836.

Houses of ill fame prohibited.

Penalty.

PUBLIC EXHIBITIONS.

Concerning Public Shows and Exhibitions.

Sec. 1. Public Shows unlawful without license from Mayor or Council.

2. Penalty for exhibiting without license.

§1. Be it ordained, &c. That all exhibitions and shows, in all cases where money or other valuable thing is demanded for admission into the same, are hereby declared unlawful, unless application be made and a license obtained from the mayor, or in his absence, from the presiding officer of the city council, or in his absence, from one of the aldermen, who is authorised to demand and receive from the applicant for such license, such sum as he may deem expedient.

Shows prohibited without license.

§2. Any person or persons opening, displaying, or practising any exhibition, performance or public show of any kind being hereby declared unlawful, without first obtaining a license as provided in the foregoing section, shall forfeit for each and every day or night of such exhibition, performance or public show, any sum in the discretion of the mayor, of not less than ten nor more than one hundred dollars.—Passed June 22, 1836.

Penalty.

BATHING.

To Restrain Bathing in the Public Waters of the City.

Sec. 1. Bathing prohibited within the limits of the City.

2. Parents, &c. liable for minors, &c.

Bathing prohibited in Lake Erie.

Penalty.

Guardians or parents responsible.

§1. Be it ordained, &c. That if any person of the age of nine years or upwards shall between the hours of five o'clock in the morning, and eight in the evening, bathe in any waters of the Canal, Cuyahoga river, or Lake Erie, west of Erie street within the bounds of the city, every person so offending shall forfeit and pay any sum not less than two dollars, nor more than twenty dollars, at the discretion of the mayor, to and for the use of the city, to be recovered by action of debt before the mayor as other penalties are recovered.

§2. That for all offences after the first conviction committed by any minor against the provision of the first section of this act, the parent shall be responsible for the penalty incurred by the child. The guardian shall be responsible for the penalty incurred by the ward. And the master shall be responsible for the penalty incurred by the servant, of whom such parent, guardian, or master respectively have control for each and every offence after a first conviction, and the said penalties may be recovered of such parent, guardian, or master, by action of debt as aforesaid; provided, that if judgment be obtained against the child, ward, or servant, and satisfied by payment, such payment shall be a discharge of the parent, guardian or master, for the offence upon which the conviction was had.—Passed July 11, 1838.

COAL INSPECTOR.

For the appointment of a Coal Inspector.

Sec. 1. Duty of Inspector.

2. Further duty of Inspector.

3. Fees of Inspector.

§1. Be it ordained, &c. That there shall be appointed a

coal inspector for the city, whose duty it shall be to measure all the stone or mineral coal, exported from this city, in vessels or boats of any description, and give a certificate of the quality and quantity of the same, signed with his name as coal inspector. Appointment of Coal Inspector.

§2. It shall also be the duty of said coal inspector, to measure carts, waggons and other vehicles used in carrying coal about the city, and to mark in large figures, upon the box of the same, the number of bushels each contains; and any person guilty of altering or forging such mark, shall be liable to a fine of not less than five nor more than fifty dollars. His duties.

§3. Said inspector shall take an oath for the faithful performance of his duties; and may charge and receive, for any quantity of coal measured at one time, exceeding one hundred bushels, not more than one quarter cent a bushel; for any quantity less than one hundred bushels, one half cent per bushel, and for measuring and marking any cart, waggon or other vehicle as aforesaid, the sum of fifty cents and no more; provided, that nothing in this ordinance contained, shall be construed to affect in any way the sale of charcoal, or to prevent any person from buying or selling any quantity of stone or mineral coal on the docks, wharves or at any other place in said city, without having been measured by the city inspector.—Passed July 13, 1836. Take an oath.
Fees.
Proviso.

ELECTIONS.

Regulating Elections in the City of Cleveland.

- Sec. 1. Regulating Elections.
2. Each Ward an Election District, and Councilmen judges.
 3. At what hours of the day Elections to be holden.
 4. Duties of judges of Elections.
 5. In absence of Councilmen Mayor to fill vacancy.
 6. Poll Books, how to be kept.
 7. How Election tickets are to be prepared.
 8. How Election returns to be made.
 9. Duty of Council on receiving Election returns.
 10. Where Elections to be holden in each Ward.

§1. Be it ordained, &c. That all elections for mayor, al-

- Elections.** dermen and councilmen, marshal and treasurer of the city of Cleveland, whether annual or special, shall be holden and conducted as provided in this ordinance.
- Councilmen to be judges.** §2. Each ward in said city shall constitute an election district. The councilmen in each ward, for the time being, shall be the judges of the election to be holden in the ward in which they are chosen, and they shall have the same powers and authority, except as otherwise provided in this ordinance, as judges of a general state election.
- Time.** §3. All elections in said city shall be opened by the hour of ten o'clock in the morning and closed at five in the afternoon.
- Duty of judges.** §4. It shall be the duty of the judges to meet in their several wards respectively, at the place appointed for holding the election therein, at or before the hour specified for opening the same and choose two suitable persons to serve as clerks of such election, who, together with the judges, shall proceed to discharge the duties of their respective appointments, and who shall be entitled to receive one dollar and fifty cents per day each, as a compensation for their services, to be paid out of the city treasury.
- Mayor to fill board.** §5. If either of the councilmen of any ward shall fail to attend as a judge of any election at the time and place required, then it shall be the duty of the mayor, or in case of his absence, the alderman of such ward, to appoint such suitable person or persons, as may be required having the qualification of an elector, to act as judge or judges, as the case may be of such election.
- Poll books, how kept.** §6. The poll books shall be kept and certified in the same manner, as nearly as may be, as is provided by law for keeping and certifying poll books at the general state elections.
- How ballots are to be prepared.** §7. The electors shall vote by ballot, each ballot shall be a paper ticket which shall contain the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen, and such designation, in case

of alderman, shall specify the ward for which such person is voted for as alderman, and in failure thereof, such ballot, so far as alderman is named thereon, shall be rejected, but shall not, for that cause, be invalid in other respects.

§8. The mode of canvassing votes, after the poll of such election is closed, shall be the same, as near as may be, as prescribed for the canvass at the general state elections.— How returns are to be made. And after canvassing the votes in manner aforesaid, the judges before they disperse shall put the poll books under cover, seal the same and direct them to the mayor of the city "election returns of — ward of the city of Cleveland," (naming the ward,) and the same so sealed and directed shall be deposited with the city clerk at his office without delay, by one of the judges of each election in person.

§9. The city council on the next day after the day of holding the election, at four o'clock in the afternoon, shall Duty of Council on receiving returns. meet at the council chamber, and open the several returns, and make abstracts of the votes and ascertain and publish the result thereof and enter the same upon the journals, and the city clerk shall therefore forthwith notify in writing the persons elected of their several elections agreeably to law.

§10. The annual election for the year 1837, shall be holden in the several wards of the city at the following When and where elections held. places, viz:

In the first ward, in the basement story of the brick (Baptist) Church, Seneca-street.

In the second ward, in the new brick School-House.

In the third ward, in the brick Academy, St. Clair-Street.—Passed February 8, 1837.

TAXES.

Levying a Tax for the year 1842.

Sec. 1. Tax for 1842 five mills on the dollar valuation.

Tax 5 mills on
the dollar for 1842

§1. Be it ordained, &c. That for the discharge of any debt against said city, not already provided for, or expenditure authorised by said city, for the year 1842, there shall be levied and collected upon all the real and personal property, or capital of any kind subject to taxation, under the laws of the State, within said city, a tax of five mills on the dollar valuation.—Passed May 16, 1842.

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